

Hoover Commission report, 1955
Summary of recommendations on intelligence

Part I

Commission Report

The task force, in order to give assurance to the Nation that all segments of the Intelligence Activities are efficiently carried out and that the expenditures are properly administered, recommends that a permanent "watchdog" committee be created. They recommend that such a committee be created from Members of the Senate and House, together with eminent citizens serving part time as needed, to be appointed by the President.

The Commission believes, however, that while mixed congressional and citizens committees for temporary service are useful and helpful to undertake specific problems and to investigate and make recommendations, such committees, if permanent, present difficulties. We therefore make the following recommendation.

Recommendation

(a) That the President appoint a committee of experienced private citizens, who shall have the responsibility to examine and report to him periodically on the work of Government foreign intelligence activities. This committee should also give such information to the public as the President may direct. The committee should function on a part-time and per diem basis.

(b) That the Congress consider creating a Joint Congressional Committee on Foreign Intelligence, similar to the Joint Committee on Atomic Energy. In such case, the two committees, one presidential and the other congressional, could collaborate on matters of special importance to the national security.

Other measures requiring legislation or of an administrative character are recommended by the task force and we suggest these for the consideration of the Congress and the Departments concerned.

The unclassified report of the task force requires no detailed review, and we therefore include it in full as Part II of this report.

Part II

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*Report on
Intelligence Activities
in the
Federal Government*

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Prepared for the

COMMISSION ON ORGANIZATION OF THE
EXECUTIVE BRANCH OF THE GOVERNMENT

by the

TASK FORCE ON INTELLIGENCE ACTIVITIES

MAY 1955

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dreds of policy makers whose "off the top of the head" guesses can prove to be seriously wrong. Indeed, Winston Churchill, with all his self-esteem intuition, was not always right, nor his intelligence advisers invariably wrong.

Yet with all the growing confidence in intelligence within the American governmental system, and with the increasing efficiency of the estimating mechanism, fundamental problems of perception and receptivity remain. Many responsible officials, in the last analysis, continue to serve as their own intelligence experts. Intelligence-by-committee still tends to suppress what at times may be the vitally significant dissent. Duplication, institutional rivalry, and jurisdictional jealousy continue to deposit sand in the gears. And the irresistible force of the National Intelligence Estimate collides on frequent occasions with such immovable objects as budgetary ceilings, partisan selfishness, or the omnipresent obstacle of unwillingness to believe unpleasant or unexpected information. These problems will be discussed in greater detail in later chapters.

CHAPTER VII

Surveillance by Congress

from: Harry Howe Ransom
The Intelligence Establishment
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Writing in December 1963, President Truman expressed surprise that the CIA, first established in his administration, had become in later years far more than an intelligence agency. "I never had any thought," he wrote, "that when I set up the CIA it would be injected into peacetime cloak-and-dagger operations." Congress is entitled to an even greater surprise, for what legislators were asked to create in 1947—and what they thought they were creating—was an *intelligence* arm of the government. In so doing, however, Congress deliberately handed to the Director of Central Intelligence the authority to withhold information from the public, including Congress itself, at his discretion.

One result was that the CIA evolved into a multifunction agency, performing roles which Congress did not deliberately intend, and may not have been willing specifically to approve. An outstanding example is the CIA subsidies to the National Student Association, and numerous other private groups, first disclosed in early 1967. The granting of these subsidies was obviously motivated in part by the wish to spend government funds for foreign activities which Congress would not have approved.

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Perpetual conflict amidst cooperation between Congress and the Executive is the inevitable consequence of the American system of government. The existence of a pervasive and highly secret CIA, expending hundreds of millions of dollars annually with only minimal legislative supervision expectedly has been a thorn in the side of many members of Congress, habitually jealous of legislative prerogatives under the American constitutional system. Efforts to regain a greater measure of congressional supervision of the intelligence establishment met with surprisingly little success in the first twenty years of CIA's existence, 1947-1967.

The Inevitable Executive-Legislative Conflict

Delineating precisely the respective roles of Congress and the Executive is a perplexing task under the American concept of the separation of powers. From the earliest days of the Republic, Congress and the Executive have been in constant struggle as a result of the deliberately imprecise constitutional division of powers. Often this conflict has involved a congressional desire for information which the Executive was unwilling to disclose.

Not only are roles and powers divided between Congress and the Executive; some of the important functions are also *shared* by both branches. This is particularly true in foreign and military policy determination, even though the Executive has an unequally heavy share of decision-making authority and responsibility.

Conflict is heightened when it comes to the question of the status of such a highly secret agency as Central Intelligence. Congress has by statute in effect given up, in the case of CIA, some of its normal and traditional controls over agencies of the executive branch. Yet, theoretically, constitutional control of Congress over CIA remains. With the burgeoning of the intelligence establishment in size and importance, the question has arisen significantly on several occasions during the past twenty years whether or not Congress should regain some measure of real control over intelligence activities.

This question has repeatedly come up, and not only in the legislative halls, where at intervals it has taken the form of concrete proposals in the shape of bills or resolutions. Additionally,

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a Hoover Commission study (1955) expressed concern about the absence of congressional and other outside surveillance of government intelligence activities. To the Hoover Commission, this lack of outside surveillance somewhat prophetically raised "the possibility of the growth of license and abuses of power where disclosure of costs, organization, personnel, and functions are precluded by law."

Congress and the CIA

The issue of closer congressional surveillance came to a head in the first instance in Senate action early in 1956. The specific point at issue was whether Congress was to establish a standing joint committee on the CIA, similar to the Joint Committee on Atomic Energy, to provide a fuller and continuing look at United States intelligence programs.

The CIA budget, as previously noted, is concealed within the budgets of various government departments, mainly that of the Defense Department. The average member of Congress has no more knowledge than the average citizen of the annual expenditures or of the size and scope of CIA operations. As members of CIA subcommittees of the Committees on Armed Services and Appropriations, a few congressional members receive occasional briefings on CIA's operations from the Director of Central Intelligence. As Allen Dulles once described the process, "I talk with them and give them a picture of the nature of the work we are doing, tell them about our personnel, and where the money goes."¹

Dulles' successor, Admiral William F. Raborn, could say ten years later:

Ever since CIA was first established, the Director has been authorized and in fact directed to make complete disclosure of CIA activities to special subcommittees in both the Senate and House . . . When I say "complete disclosure," I mean complete and frequent. The CIA is completely responsive to their questions, no matter how sensitive. I have discussed matters with these special subcommittees which are so sensitive that only a small percentage of the personnel in CIA have access to them . . . In my first 12 weeks as Director I found that I was called to 17 meetings with these Congressional committees. Our legislative log for the year 1965 shows that the Director or his senior aides met a total of 34 times with the four special subcommittees.²

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The congressional subcommittees are given what has apparently been considered to be adequate information, but this is not passed along to congressional colleagues.

CIA officials also present testimony to congressional committees seeking the latest intelligence estimates from the executive branch. In each case this testimony is presented in secret session, normally by the Director of Central Intelligence and his principal deputies. To other than the designated CIA standing congressional subcommittees, CIA activities, methods, and sources of information are never disclosed or discussed. CIA testimony provides the basis for legislative inquiries into national security, and intelligence estimates received are reflected in the subsequent questioning of other witnesses in open hearings and in the findings and reports of congressional committees. Although not made public, the testimony of the Director of Central Intelligence was, for example, of basic importance to the congressional inquiries of the Symington Senate (Armed Forces) Subcommittee's "Study of Airpower" in 1956, and the Johnson Senate (Armed Forces) Preparedness Subcommittee's probe in later years, of the defense program in 1957-1958, and in numerous hearings in later years particularly during the controversy over ballistic missile defense systems. An official description of CIA's normal relationship with Congress is described in Appendix B. But what is the extent of congressional knowledge of CIA's policy and operations?

A large and important agency of government, approaching in total personnel the size of the Department of State, and spending hundreds of millions of dollars annually, the CIA operates with only nominal legislative surveillance. Is such secrecy the inevitable by-product of modern defense requirements? Is the national intelligence community a proper domain for congressional exploration? Does the existing secrecy and sanctity alter significantly the legislative-executive balance of the American system of government? What are the consequences of such secrecy? What would be the consequences of wider congressional knowledge of intelligence activities? These and related questions were raised during the Senate debate in 1956 over the proposal to set up a joint committee on CIA, and again in 1966 in an attempt to broaden the representation on existing subcommittees.

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The Mansfield Resolution of 1956

It is not surprising that members of the national legislature, who take seriously the constitutional provision that no money may be spent from the public treasury without congressional approval, should have become restless about the CIA's privileged position of secrecy. Such unrest has had various manifestations. One was in Senator Joseph McCarthy's characteristic statement in the Senate debate: "I have roughly 100 pages of documentation covering incompetence, inefficiency, waste and Communist infiltration in the CIA, which I am holding in the hope that a committee will be established so that I can turn the information over to it."³ Another, more temperate, manifestation of unrest was in the Senate resolution to establish a joint Congressional committee on central intelligence, introduced in the Eighty-fourth Congress (1955) by Senator Mike Mansfield (D., Montana), with a total of 34 Republican and Democratic co-sponsors.⁴ This was only one—though the most important—of a score of bills before Congress at that time with a similar purpose.⁵

The Mansfield resolution was reported favorably out of the Rules Committee on February 23, 1956, by a vote of 8 to 1, with Senator Carl Hayden (D., Arizona) dissenting.⁶ The proposal would have established a joint committee to have legislative oversight of the CIA. It was to be composed of six members from each branch of Congress. The core of its membership would have been those senators and representatives already serving as CIA subcommittee members from the Appropriations and Armed Services Committees. The joint committee was to have a broad mandate to study (1) the activities of CIA; (2) problems relating to the gathering of intelligence affecting national security; and (3) coordination and utilization of intelligence by the various departments and agencies of government. All legislative proposals relating primarily to the CIA or to foreign intelligence would be referred to such a committee for consideration.

Senator Mansfield proposed further that the CIA keep the joint committee "fully and currently informed with respect to its activities." The committee, which was to have a permanent staff, would be authorized to hold hearings and to require, by subpoena

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or otherwise, attendance of witnesses and the production of books, papers, and documents. In other words, the committee as proposed was to assume the role of a regular joint congressional committee, with the power to investigate, advise, and report, and with a \$250,000 budget for its first year.

Proponents of the measure asserted that it followed, in essence, a recommendation made to Congress by the 1955 Hoover Commission. The proposed committee was said to be analogous to the Joint Committee on Atomic Energy and, like it, "dedicated to the promotion of the public and legislative will in a sensitive agency imperative to our country's international survival."⁷

At the same time, the proposal was designed to preserve the continuity of existing congressional surveillance of CIA by limiting, if possible, membership on the proposed committee to those senators and representatives already privy to knowledge of CIA's operations. But surveillance was to occur on a more institutionalized scale, with all the trappings and power of a regular congressional committee, rather than the occasional meeting once or twice a year between CIA officials and members of armed services and appropriations subcommittees.

Arguments for a Joint Committee

The report of the Senate Committee on Rules and Administration on the Mansfield resolution described the background of the CIA and summarized the various studies and reports made of its operations. It then set forth the major arguments for the adoption of the proposal. These included the following:

(a) *Congressional surveillance has existed, since 1946, in the atomic energy field, an area equally as sensitive as foreign intelligence.* Most of the work of the Joint Committee on Atomic Energy, argued the Senate Rules Committee majority, "is of the highest security classification." Discussing its generally successful functioning in a sensitive area, the report concluded: "What is true of the Joint Committee on Atomic Energy can be true of a new joint committee organized to oversee the Central Intelligence Agency."⁸

(b) *A specialized joint committee would "promote new confidence between Congress and the CIA."* The new committee's staff

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would maintain "an effective check on the operations of CIA." A joint committee would provide a "forum for the registering of congressional doubts and complaints and the initiation of advisory and corrective action with respect to any errors which might be apparent." The effect would be to produce more constant liaison between Congress and CIA. Through all this, the report argued, "no classified or ill-advised revelations would be made."

(c) *Studies of CIA by ad hoc or temporary groups are not sufficient.* The fact that most reports of studies of CIA since its creation in 1947 have been highly secret has excluded Congress from details of CIA operations. The Senate report argued that "it is not enough that CIA be responsible alone to the White House or the National Security Council. Such responsibility should be shared with Congress in a more complete manner." It was argued that in our form of government—a system of checks and balances—it is essential that intelligence operations come under a more thorough congressional audit. Otherwise, the report states, "there will be no way of knowing what serious flaws in the Central Intelligence Agency may be covered by the curtain of secrecy in which it is shrouded."

(d) *A policy of "secrecy for the mere sake of secrecy" invites abuse and prevents Congress and the nation from "knowing whether we have a fine intelligence service or a very poor one."* The 1956 report acknowledged the importance of secrecy to any intelligence operation; yet the feeling was expressed that the veil of secrecy had been extended to cover too much from congressional scrutiny: "Secrecy now beclouds everything about CIA," the report complained, "its cost, its personnel, its efficiency, its failures, its successes. An aura of superiority has been built around it. It is freed from practically every ordinary form of congressional review. The CIA has unquestionably placed itself above other Government agencies."⁹ In sum, the Senate Rules Committee majority felt that while secrecy is essential for certain facets of CIA operations, a wide area of its activities is proper ground for congressional review.

The sentiments expressed in the report on the Mansfield resolution were widely held in the Senate, as evidenced by the fact that more than one third of the membership was listed as co-sponsor of the resolution. At the same time some twenty-five similar resolu-

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ions had been introduced in the House of Representatives up to 1956, indicating substantial congressional conviction that intelligence activities needed to be brought under closer surveillance.

Arguments against a Joint Committee

The dimensions of the debate were anticipated by the substance of the minority report submitted by Senator Hayden, who set forth the following counterarguments:

(a) *Existing surveillance by members of the Appropriations and Armed Services Committees is adequate.* Testimony was offered that CIA had demonstrated a willingness to keep these committees fully informed, and CIA officials had "candidly furnished the desired information and . . . responded to the specific complaints and criticisms . . . voiced in Congress and in the press."¹⁰ Said Senator Hayden, "No information has been denied and all desired information has been candidly supplied."¹¹

(b) *Functions of the CIA are essentially executive in character.* The agency serves the President, the National Security Council, and other departments in a staff capacity. "If CIA must have a 'watchdog' joint committee, why not have one for the FBI?"

(c) *CIA has been intensely, repeatedly, and adequately investigated by various special commissions.* Furthermore, the President, following recommendations of the 1955 Hoover Commission, had established a Board of Consultants on Foreign Intelligence Activities to advise him regularly and to report its findings at least twice a year. Senator Hayden suggested that Congress therefore let CIA get on with its work "without being watchdogged to death."¹²

(d) *The proposal to create a joint committee raised a constitutional issue of separation of powers between executive and legislative branches.* It was argued that since CIA undertakes activities only in accordance with National Security Council directives, any congressional action which seeks to interfere with or pry into this relationship "would tend to impinge upon the constitutional authority and responsibility of the President in the conduct of foreign affairs."

(e) *To compare CIA with the Atomic Energy Commission, or the atomic energy analogy, is invalid.* In size of operation,

in impact upon the domestic economy, and in detailed legislative matters involved in atomic energy affairs, the atomic energy field is not comparable with intelligence. Atomic energy is a subject for general legislative consideration, unlike intelligence activities which were said to be "peculiarly the prerogative of the Executive and intimately associated with the conduct of the foreign relations of the country."¹³

These dissenting views, as presented by Senator Hayden, set the stage for the Senate debate on the issue. A key to the counterargument was the notion expressed by Senator Richard Russell: "If there is one agency of the Government in which we must take some matters on faith without a constant examination of its methods and sources, I believe this agency is the Central Intelligence Agency."¹⁴ The minority view was that Congress was generally informed, through its designated subcommittees of foreign intelligence activities. What Congress did not know about CIA activities, it was argued, was to be accepted "on faith." For, as Senator Hayden noted, "We must remember that the Central Intelligence Agency carries on its work outside the United States boundaries. Many of its agents are in constant physical danger."¹⁵ About this work a few select members of Congress would be advised on a "need to know" and a "desire to know" basis.

Debate on the Senate Floor

The dimensions of the senatorial debate on the Mansfield resolution in April 1956 were forecast in the Senate report just described. The arguments pro and con listed above were decorated with the usual oratorical trappings, but few additional basic arguments were made in support of, or in opposition to, the proposal.

As a prime mover of the proposal, Senator Mansfield expressed fear that a creeping secrecy might produce a situation in which Congress would possess a decreasing amount of information about the performance of the intelligence community.¹⁶ He felt that closer congressional surveillance would improve the product; that "Congressional guardians might be able to compel even swifter and surer reform than could an executive committee."¹⁷

Senator Mansfield made the further point in the debate that the development of CIA under tight executive control represented

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"arrogation of power on the part of the Executive and a diminution to that extent of the equality between the executive and the legislative."¹⁸ Through its control of secret information vital to foreign policy making, Mansfield feared that CIA abetted the Executive's increasing domination over this field, to the exclusion of Congress.

On this latter point he was joined by the strongly stated arguments of Senator Wayne Morse, who expressed a suspicion that CIA "determines a great deal of policy . . . it has great influence in determining foreign policy."¹⁹ Senator Morse's views embodied traditional American misgivings about maintaining an espionage system. He said that senators who were opposing the resolution were in effect "supporting a form of American police state system." Referring to an opponent in the debate, Senator Morse declared that "when he defends the present CIA system, he defends a spy system that is based upon a police state procedure."²⁰ He felt that all members of the Senate Committee on Foreign Relations and Armed Services ought to be informed about "the manner in which the American spy system functions."²¹

Senator Henry Dworshak (R., Idaho) although opposing the resolution, spoke up to recount that as a member of a defense appropriations subcommittee he had been unsuccessful in obtaining information from the Director of Central Intelligence. He had asked questions about the number of CIA employees and the amount of CIA expenditures and was told, emphatically, "This is classified information."²² Yet even with thirty-five original supporters of the resolution, only a meager handful joined Mansfield and Morse in debate to support the measure. In light of later history it is interesting that Senator John F. Kennedy sided with Mansfield while Senator Lyndon B. Johnson opposed the proposed formation of a joint committee.

A bipartisan force of formidable size and prestige spoke out against the measure, with obviously powerful back-stopping from leaders of the Eisenhower Administration. Some of the members of the Senate with most prestige, Democratic as well as Republican, led by Senators Richard Russell and Leverett Saltonstall, echoed the arguments already summed up in the minority report of the Senate Rules Committee. Senator Russell, who like Saltonstall served on CIA subcommittees, declared that "although we have

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asked [Allen Dulles] very searching questions about some activities which it almost chills the marrow of a man to hear about, he has never failed to answer us forthrightly and frankly in response to any question we have asked him."²³ This view was seconded by Senator Saltonstall and others of the small interlocking group from the Armed Services and Appropriations committees who were at that time the Senate's chosen few to oversee CIA.

Although apparently getting all the information sought from CIA officials, it had been the practice of this select group to exercise self-restraint in asking questions. At least this is the inference from Senator Saltonstall's remark that "it is not a question of reluctance on the part of CIA officials to speak to us. Instead it is a question of our reluctance, if you will, to seek information and knowledge on subjects which I personally, as a Member of Congress and as a citizen, would rather not have."²⁴ During the 1950s, meetings with CIA officials (at which such questions went unasked) were held "once a year" in the case of the Senate Armed Services Subcommittee.²⁵ None of the members of these two CIA subcommittees voted for the Mansfield resolution.²⁶

Most opponents of the measure made the point in the debate that secrecy is essential to intelligence operations and that a congressional joint committee would be incompatible with this required secrecy. As Senator Alben Barkley noted, "The activities of the CIA cover the entire world, and the CIA makes reports on the entire world situation."²⁷ As for the need for secrecy, Senator Barkley, who as Vice President sat for four years with the National Security Council, declared: "Some of the information gathered by the Central Intelligence Agency and laid before the National Security Council itself was so confidential and secret that the very portfolios in which it was contained were under lock and key."²⁸ The mystique of secrecy had profoundly impressed the Kentucky senator, who added, "I would lose my right arm before I would divulge it to anyone, even to members of my own family."²⁹

It soon became clear in the Senate debate that the measure lacked adequate support for passage. Not only did Senator Barkley, as a former member of the National Security Council, lend weighty oratorical opposition, but he was joined by a former Secretary of the Air Force, Senator Stuart Symington. Also in opposition were

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the majority and minority leaders of the Senate, and high-ranking members—both Republican and Democratic—of the Armed Services and Appropriations Committees.

At its initiation the proposal had 35 supporters, but it was defeated by a vote of 59 to 27, with 10 Senators not voting.³⁰ Fourteen of the measure's co-sponsors, all Republicans but one, reversed their positions and voted against the measure. Obviously, a strong administration opposition to the measure had caused this contradictory performance. The 27 members who voted in favor of the resolution fell with a few exceptions into two general categories: liberal Democrats, most of whom had lesser seniority on Senate committees, and right-wing Republicans, who were generally associated with the camp of Senator Joseph McCarthy. Support for the measure therefore derived from two different attitudes.

One was the distaste of liberal Democrats for the "dirty business" of international spying and for the existence of a state apparatus for secret intelligence beyond congressional surveillance through regular committee procedures. A somewhat different attitude was reflected by the late Senator Joseph McCarthy and his associates, who perhaps expressed Midwestern resentment of the size and potential power of CIA, an agency engaged in an essentially intellectual process and seemingly led by an "Ivy League" assemblage of bright young men. The existence of CIA also was symbolic of America's new internationalism, which senators in this group, including for example, Senator William Langer of North Dakota, viewed with deep suspicion.

Opposition to the measure was made up of a group of "Eisenhower Republicans" of varying degree and of powerful Democratic senators, mostly southerners with high committee seniority. These men, some of whom were privy to bits of information about CIA, saw little need for a new joint committee. One astute observer of the Senate concluded that the measure was killed because the "Inner Club" of Senate patriarchs felt it had not been adequately consulted about the measure.³¹

As is often the case in congressional debate, some of the real and persuasive arguments for or against the measure remained below the surface. These arguments were the kind that are effective in the cloakrooms and corridors, but are not brought out in

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the public debate for any number of reasons. One such argument was that the establishment of wider congressional surveillance over CIA would be disturbing to the principal allies of the United States. Allied intelligence services work closely, though sometimes in an atmosphere of mutual suspicion, with United States intelligence agents in overseas operations, but apparently are wary of supplying the United States Congress with details of such operations. Intelligence units in allied nations enjoy immunity from detailed legislative supervision, though parliamentary government gives a direct responsibility to political leaders. Consequently, a more thorough check of CIA operations by Congress, it is held, would tend to inhibit vital and always difficult interallied intelligence cooperation and so dry up important sources for American government officials. This was not the kind of argument, however persuasive in the cloakrooms, that would swing great weight in the Senate debate, and thus it hardly came to the surface.

Of greater importance was the realization by senior members of the Senate that creating a joint committee on central intelligence would have the effect of slicing off a part of their jurisdictional authority. For example, the Committee on Foreign Relations oversees intelligence within the Department of State; the Armed Services Committee looks into intelligence activities in the armed forces; the Joint Committee on Atomic Energy oversees Atomic Energy Commission intelligence activities; and CIA is under the purview of a few senior members on Armed Services and Appropriations committees. Not surprisingly, then, senior members of the Senate opposed alteration in the fractured structure of Congress because that change would remove segments of the executive branch from their particular domain.

Opposition by Senate patriarchs made possible an effective alliance with the executive branch, particularly with the leadership of CIA, to whom the growth of a congressional committee intelligence staff long has been an anathema. Such a staff, it is feared, might turn out to be a haven for former CIA personnel whose mission in life might be to second-guess National Intelligence Estimates, or generally to harass executive intelligence agencies.

Whatever their motives, a sizable majority of members of a group traditionally jealous of congressional prerogative in the continuing legislative-executive struggle voted against a measure

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which seemed to promise at first glance to give them additional power. On this issue the Senate exercised restraint. Such restraint has been normal for the national legislature in the past only in wartime, in which large sums of money were blindly granted by Congress. Its World War II motto was said to be: "Trust in God and General Marshall." In the cold war atmosphere of 1956, the attitude seems to have been: "Trust in God and Allen Dulles."

The Issue Debated Again in 1966

Ten years later a similar issue came to a vote on the Senate floor. In the interim, each passing Congress had seen the introduction of proposals similar to that of Senator Mansfield. Between 1947 and 1967, for example, over two hundred resolutions had been introduced in the Senate, calling for stricter and more systematic congressional surveillance of the intelligence community. An even greater number of such proposals were made in the House. One of the most prominent and specific was an "investigation" of CIA proposed in 1963 by Representative (later Mayor) John Lindsay of New York. Lindsay proposed four major topics for congressional scrutiny: relations between the CIA and the Department of State; whether or not the CIA was the proper agency to perform secret political operations, distinct from intelligence gathering; personnel policies of the CIA; and the adequacy of the organization and process for evaluating "raw" intelligence. In other words, Lindsay was proposing a top-to-bottom study of the CIA, preliminary to the establishment of a permanent joint congressional committee on intelligence.³² But as of 1969 the arrangement persists whereby small and highly select subcommittees of the House and Senate Armed Services and Appropriations committees are the only groups routinely privy to intelligence secrets.

In spite of strong resistance to the idea by CIA leadership and President Lyndon Johnson, the issue of more systematic congressional surveillance of CIA came to a head again in early 1966. This time the leader was not Mansfield but Senator Eugene McCarthy of Minnesota, who for some years had been critical in speeches and writing of the "invisible government" aspects of CIA, particularly after the 1961 Bay of Pigs episode. Indeed, he had led the fight in 1962 against the Senate confirmation of John

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McCone, President Kennedy's choice as Director of Central Intelligence. Senator McCarthy's opposition to the McCone appointment was based upon what the senator regarded as unsatisfactory answers McCone had given the Senate Committee on Armed Services when it had been considering McCone's nomination. These questions had dealt with McCone's experience in intelligence work, his attitude toward the congressional role in foreign policy, and his noncommittal responses on various policy questions, including the proper limits of CIA action in foreign affairs.³³ In essence, McCone had replied that he did not regard the Director of Central Intelligence as being in a policy-making position and he planned to continue with existing methods for congressional relationship with CIA. Nonetheless, within governmental circles McCone had made clear his intention of becoming a "power" in the Kennedy administration, although, as it turned out, he "was restrained in his use of the power of CIA."³⁴

By 1966 Eugene McCarthy was a member of the Senate Committee on Foreign Relations. On the CIA issue he had found support from the committee's chairman, Senator J. William Fulbright, as well as from a number of other members, mostly Democrats. Early in 1966 McCarthy had proposed a Senate resolution calling for an investigation by the Foreign Relations Committee of American foreign intelligence activities. This was to be, in the words of Senate Resolution No. 210 "a full and complete study with respect to the effects of the operations and activities of the Central Intelligence Agency upon the foreign relations of the United States." The resolution called for a report by January 31, 1967, provided for a staff, and proposed expenditures of up to \$150,000 for this purpose.

The duties of the proposed committee were:

... to keep itself fully and currently informed of the activities of the Central Intelligence Agency, the Bureau of Intelligence and Research of the Department of State, and other agencies of the Government insofar as the activities of such agencies relate to foreign intelligence or counter-intelligence. The committee's duties shall include, but not be limited to, review of intelligence and counter-intelligence activities and legislative oversight of the coordinating of such activities among the various agencies concerned.³⁵

The proposal at once raised a jurisdictional issue with the

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Senate Committee on Armed Services, which claimed full and exclusive jurisdiction over the CIA. That committee's chairman, Senator Richard B. Russell, was simultaneously chairman of the Senate's Combined Armed Services and Appropriation seven-man CIA subcommittee—the Senate's CIA “watchdog.”

Senator McCarthy's resolution for a select committee was referred to the Foreign Relations Committee, where on May 17 it was approved, with amendments, by a vote of 14 to 5. Prior to committee approval, McCarthy had removed important provisions in the hope of making the measure palatable to the Senate establishment and more specifically to prevent its referral to the Senate Rules Committee, where he knew it would die. One change was to exempt the FBI's counterespionage activities from committee surveillance; another was to eliminate the hiring of a separate staff; and a third was to delete the proposed expenditures of up to \$150,000 from Senate contingency funds. In effect, McCarthy's initial aim to set up a select Senate committee to investigate the intelligence community had become, by compromise, simply a proposal to enlarge the existing Senate CIA “watchdog” subcommittee by the addition of three members from the Foreign Relations Committee, which was not represented on Senator Russell's subcommittee. What originally had been a move to investigate the CIA had become a proposal to enlarge an existing committee.

Senator Russell had early made clear his opposition to this move. He let it be known that he would ask the Senate to refer the McCarthy resolution, strongly supported by Senator Fulbright, to the Senate Armed Services Committee, over which Russell presided, and which could be expected either to bury the resolution or to report unfavorably on it. Russell considered the McCarthy-Fulbright proposal a reflection on his stewardship of the existing CIA subcommittee and a challenge to his power. In bitter terms he characterized the resolution as an attempt to “muscle in” on the jurisdiction of the watchdog committee. The impression was also given that if the CIA surveillance mechanism were broadened to include the Foreign Relations Committee, the likelihood of leaks would be increased, endangering the lives of secret agents overseas or, in the intelligence vernacular, “blowing their cover.”

In June the Senate leadership, under Senator Mansfield, made an effort to effect a backstage compromise so that the matter would

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not be fought out in open debate on the Senate floor. Mansfield said that in such a debate, “fearful things would be said that would not help the agency or the Senate.”¹⁰ He was unsuccessful in achieving a compromise between Russell and his supporters and Fulbright and McCarthy and their less numerous supporters. President Johnson, who might have resolved the issue by instructing the Director of Central Intelligence to give information as fully to Foreign Relations Committee as he did to the Russell CIA subcommittee, remained aloof. Undoubtedly he could not disassociate the Fulbright-McCarthy criticisms of his Vietnam policy from the CIA issue. At any rate, he was in no mood to placate Fulbright. A floor debate on the issue was, in the circumstances, inevitable.

The central point in the Fulbright-McCarthy position was that the CIA plays an important role both in making and applying foreign policies and that the Senate Foreign Relations Committee ought therefore to be specifically represented in the Senate group created for legislative surveillance of the agency. The main point in Russell's argument was that, out of twenty years of tradition, the Senate Armed Services and the Appropriations committees were the only ones with proper jurisdiction. Any expansion of representation would jeopardize the security of information revealed to the “select seven” by CIA officials. Behind these arguments, it seems fair to say, were issues of personality and senatorial power; of cliques and Senate “club” intrigue; and some fundamental disagreements about the purpose of American foreign policy and the proper use of the intelligence apparatus in pursuit of policy objectives. The CIA, it should be noted, was willing to supply the Foreign Relations Committee with substantive intelligence information and had done so on numerous occasions. But it was adamantly unwilling to discuss “sources and methods” with the Fulbright Committee. For example, if Senator Fulbright wanted to know, as he did in 1966, whether “Fulbright awards” had ever been used as “cover” for CIA operations, the CIA leadership in 1966 was unwilling to discuss this or any other matter with him related to “sources and methods.”

The then CIA Director, Admiral Raborn, had told Fulbright's committee that he would answer such questions for members of the President's Board of Consultants on Foreign Intelligence Activities—all nongovernmental “civilians”—or for Russell's intelli-

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gence subcommittee. He contended, however, that he had no authority to discuss such matters with the Foreign Relations Committee. In a later interview, Raborn explained his position:

I had authority to brief any congressional committee having a jurisdictional interest in substantive global intelligence. But discussion of CIA activities, methods, and sources is another matter . . . the National Security Act makes the Director of Central Intelligence exclusively responsible for protecting the security of the sources and methods of the entire intelligence community. I was authorized by the President and by National Security Council directives to discuss such matters only with the special subcommittees designated for this purpose, not with any others.³⁷

Fulbright's argument was that CIA overseas activities, including the wide scope of its "sources and methods," had many ramifications for American foreign policy. To him, the Foreign Relations Committee had an obvious concern and jurisdiction because "the CIA plays a major role in the foreign policy decision-making process and . . . by its activities it is capable of exerting—and has exerted—a very substantial influence on our relations with other nations."³⁸ Another point that Fulbright stressed was his view that the National Security Council was no longer an effective body for maintaining surveillance over the CIA because, since the Eisenhower years, the Council no longer met regularly and because under Presidents Kennedy and Johnson "the formal National Security Council machinery in existence in earlier years has atrophied to the point of nonexistence."³⁹

Another senator, Ernest Gruening of Alaska, observed that whether or not the CIA "makes" foreign policy, the agency certainly exerts major influence on the policy-making process. He cited the Bay of Pigs episode as a prime example.⁴⁰

Senator McCarthy doubted that Congress was receiving information sufficient to allow its participation in the supervision of CIA. He was particularly nettled at Admiral Raborn's refusal to supply information to the Senate Foreign Relations Committee. He declared:

There was no offer to give the information if we went to the [CIA] building on the other side of the river. He [Admiral Raborn] said that he thought it was clear that he did not have the right to give it to us. What we propose to do is to make it clear that under the law the Director can give this kind of information to the members of our

Surveillance by Congress

committee under the same conditions and terms that it is given to members of the Armed Services Committee and Appropriations Committee.⁴¹

The opponents of McCarthy's resolution took the position that the existing subcommittee had maintained adequate surveillance over the CIA. Members of the subcommittee contended that they could get all the information they needed, and more than they wanted, from the CIA. Senators Saltonstall, Stennis, Symington, and Young (R., North Dakota), all members of the watchdog subcommittee, made short statements against the resolution, stressing the adequacy of existing arrangements. As was the case in 1956, the strongest attack on the resolution was made by Senator Richard Russell, chairman of the existing Senate "watchdog" subcommittee. Even more than in 1956, Russell predicated his argument on the basis of personal prestige. He left no doubt that he regarded the resolutions as a personal affront: "Unless the committee of which I am chairman has been derelict in its duty, there is no justification whatever for any other committee 'muscling in' on the jurisdiction of the Armed Services Committee, insofar as it pertains to the Central Intelligence Agency."⁴² Russell added that the press had unfairly criticized the CIA and his committee.

Senators Saltonstall and Stennis, both members of Russell's subcommittee, then took the floor to defend the chairman. Russell pointed out that, after the Bay of Pigs, President Kennedy had put the CIA in each foreign country directly under the control of the American Ambassador in that country. Russell contended that this arrangement had insured that the CIA would be under the control of the State Department in matters relating to foreign policy.

This was the crux of the Senate's debate on the McCarthy resolution. In a vote that was remarkably similar to that of 1956, the Senate voted by a margin of 61 to 28 to send the resolution to almost certain death in Russell's Armed Services Committee.⁴³ Thirty-four Senators had had the opportunity to vote on both the 1956 Mansfield resolution and the 1966 McCarthy resolution. Of the twenty-five who had voted against the Mansfield resolution, only three changed to support the McCarthy resolution—Aiken, Williams (Del.), and Case. Of the nine who voted for the Mansfield resolution, five changed and voted against the McCarthy

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resolution. Those who changed to opposition were Senators Jackson, Mundt, Pastore, Smith of Maine, and Smathers. There were only four who voted for both resolutions. They were Senators Fulbright, Gore, Mansfield, and Morse. In the 1966 vote, the members of the existing CIA subcommittee voted unanimously against the resolution. In the 1956 vote, only Senator Chavez from the existing subcommittee had been in favor of the resolution and he did not vote. After the 1956 vote, observers of the Senate said "the Establishment" had beaten the Mansfield resolution. After the 1966 vote, *Time* made the same observation:

The overt issue was the attempt by William Fulbright's Foreign Relations Committee to gain representation on the Senate's special CIA watchdog committee. The real question, however, was whether Fulbright would succeed in flouting Richard Russell, chairman both of the watchdog group and the powerful Armed Services Committee, and uncrowned king of the Senate's inner Establishment.⁴⁴

Congress attempted to maintain some degree of control over the CIA by its actions in writing the assignment of functions into law. Congress in 1947 could not possibly have made a deliberate decision to authorize political action in the assignments of functions, because there was no information available to it that would have indicated that such activity was contemplated. The proposal presented to Congress in 1947 was essentially that the CIA would be an agency for the centralized gathering, evaluating, and disseminating of *information*. The additional growth and development of the agency has taken place with the *de facto*, rather than statutory, approval of Congress. Two resolutions—one in 1956, the other in 1966—designed to regain some degree of surveillance and control of the CIA were defeated because of the concentrated opposition of some of the most powerful members of the Senate. Power and prestige and access to classified information apparently have a reciprocal relation, one to the other. Personal factors of power and prestige were determinants of action rather than the more substantive issues raised by the defeated resolutions. Finally, the effect of the votes of a majority of the members of the Senate is to say that Congress—or at least the Senate—does have sufficient and adequate information about and control over the CIA.

But the Fulbright-McCarthy efforts were not without some ultimate impact. In January 1967 Senator Russell invited three

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members of the Senate Foreign Relations Committee, including Fulbright and Mansfield, to "attend all of the meetings [of the subcommittee]—at least for this session of Congress." It was a limited victory for the proponents of the McCarthy resolution.⁴⁵

Senator Fulbright viewed the issue in the context of his advocacy of greater congressional participation in foreign policy making. He later wrote that "as part of a broader effort to redress the constitutional unbalance in foreign policy the C.I.A. should be brought under effective congressional oversight. The technical means by which this is accomplished is not of critical importance. What is wanted is the will and determination of Congress to place checks on the power of the intelligence establishment and to make it, truly accountable."⁴⁶

In 1967, even after the disclosures of CIA's secret subsidies to the National Student Association overseas programs and numerous other labor, education, and cultural organizations, Senate leaders doggedly expressed satisfaction with the existing degree of congressional surveillance. Senate Majority Leader Mansfield, Minority Leader Dirksen, Senator Richard Russell, and House Minority Leader Gerald Ford all were reported to be in agreement that "there is enough Congressional surveillance of the CIA."⁴⁷

Senator Mansfield's position was of course the most surprising—an apparent complete about-face. In a television interview on "Face the Nation," March 14, 1967, Mansfield explained the basis of his satisfaction: first, the inclusion of three members of the Senate Foreign Relations Committee (of which he was one) on the special Senate CIA subcommittee, and, second, his confidence in the Director of CIA, Richard Helms, the first intelligence career professional to occupy that position in the twenty years of CIA's existence.

After twenty years, the issue of more systematic congressional surveillance of the central intelligence system remains as a dormant volcano. The Senate and House establishments are for the most part content with an arrangement of limited surveillance over the intelligence establishment. The wisdom of the leadership attitude, shared by the presidency and the CIA up to now, remains a moot question. The issue will be dealt with again in the concluding chapter.

Frequency of meetings of intelligence oversight subcommittees

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Year	Senate armed services	Senate appropriations	House armed services	House appropriations
1974	2	5	6	
1973	2	3	2	
1972	1	2	0	
1971	2	3	0	
1970	2	3	3	
1969	1	3	2	
1968	3	2	1	
1967	5	4	8	
1966	1	5	3	
1965	11	11	9	
1964	2	2	4	
1963	3	3	5	
1962	6	6	6	
1961	2	1	3	
1960	0	0	2	
1959	2	1	7	
1958	2		7	
1957	0			
1956	1			
1955	1			

Note.—Not included are the numerous meetings held on matters relating to the Watergate affair. Also not included are the approximately 50 meetings held in 1972, 1973, and 1974 on CIA retirement and the declassification of materials by the House Armed Services Subcommittee on Intelligence Operations. The Subcommittee on Defense of the House Appropriations Committee generally has three or four briefings each year from the CIA Director. The Intelligence Subcommittee, a subcommittee of the Subcommittee on Defense, usually has an additional 2 to 3 days of hearings on the budget each year.

from Hearings before the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations on "Legislative Proposals to Strengthen Congressional Oversight of the Nation's Intelligence Agencies," December 9 and 10, 1974

Provisions of past joint committees of Congress

Note: This summarizes a compilation prepared by the Library of Congress on the 30 major joint committees of Congress established since the Civil War.

Number of members:

0-9	23%
10-15	63%
16-20	10%
21+	3%

Authority to report legislation:

Authority	7%
No authority	93%

Authority to issue subpoenas:

Authority	55%
No authority	44%

Division between parties:

Equality	23%
Muted partisan-	
ship	43%
2:1 majority	27%
Other	7%

Mode of creation:

Public law	47%
Joint resolution	17%
Concurrent resolution	27%
Unknown	10%

Selection of members:

All at large	57%
All from committees	37%
Hybrid	7%

Selected by:

Committees	16%
Presiding officer	77%
Other	7%

Selection of chairman:

By joint committee	48%
By one delegation	7%
Not specified	43%

JOINT ECONOMIC COMMITTEE

Membership

10 Representatives
10 Senators

Selection

Appointed by President of
Senate & Speaker of House

Party Representation

In each delegation, majority
party has six members, and
minority has four members.

Selection of Chairman

Committee selects Chairman &
Vice Chairman from among its
members.

Staffing

Authorized to appoint and fix
compensation of expert and
clerical assistants.

Subpoena authority

None

Authority to Report Legislation

None

To Whom Committee Reports

Senate and House, as it deems
advisable.

JOINT COMMITTEE ON TAXATION

5 Senators from Finance Committee
5 Representatives from Ways & Means

Appointed by Finance Committee and
Ways and Means Committee

In each delegation, three members from
majority, and two from minority.

Committee selects Chairman and Vice
Chairman from among its members.

Authorized to appoint and fix
compensation of expert and clerical
assistants.

Has subpoena authority

None

To Finance and Ways and Means, and in its
discretion, to Senate or House, or
both.

JOINT COMMITTEE ON ATOMIC ENERGY

9 Representatives
9 Senators

Appointed by President of
Senate & Speaker of House

Not more than five members
in each delegation to be
from majority party.

Committee selects Chairman and
Vice Chairman from among its
members.

Authorized to appoint and
fix compensation of expert
and clerical assistants.

Has subpoena authority

Has legislative authority

House members report to House
and Senate members report to
Senate.

JOINT ECONOMIC COMMITTEE

Duties

- 1) to make a continuing study of matters relating to the Economic Report;
- 2) to study means of coordinating programs in order to further the policy of this Act; and
- 3) serve as a guide to the several committees of the Congress dealing with legislation relating to the Economic Report

JOINT COMMITTEE ON TAXATION

- 1) to investigate the operation and effects of the Federal system of internal revenue taxes;
- 2) to investigate the administration of such taxes by the Bureau of Internal Revenue or any executive department, establishment, or agency, charged with their administration;
- 3) to make such other investigations of taxes as the Joint Committee may deem necessary;
- 4) to investigate measures and methods for the simplification of such taxes, particularly the income tax;
- 5) to publish, from time to time, for public examination and analysis, proposed measures and methods for the simplification of such taxes;
- 6) to report, from time to time, to the Finance and Ways and Means Committees, or House or Senate, the results of its investigations, with such recommendations as it may deem advisable.

JOINT COMMITTEE ON ATOMIC ENERGY

- 1) make continuing studies of the AEC and problems relating to the use, development and control of atomic energy;
- 2) all bills, resolutions and other matters in the Senate or House relating primarily to the Commission or the development, use or control of atomic energy shall be referred to the Joint Committee.

§ 2251

TITLE 42.—THE PUBLIC HEALTH AND WELFARE

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JBCHAPTER XVI.—JOINT COMMITTEE ON ATOMIC ENERGY

PRIOR PROVISIONS

Provisions similar to those comprising this subchapter were contained in section 15 of act Aug. 1, 1946, ch. 724, 60 Stat. 772 (formerly classified to section 1815 of this title), prior to the complete amendment and renumbering of act Aug. 1, 1946, by act Aug. 30, 1954, ch. 1073, 68 Stat. 921.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2315 of this title.

§ 2251. Establishment of Committee; membership.

There is established a Joint Committee on Atomic Energy to be composed of nine Members of the Senate to be appointed by the President of the Senate, and nine Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than five Members shall be members of the same political party. (Aug. 1, 1946, ch. 724, § 201, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 956.)

§ 2252. Authority and duty.

The Joint Committee shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. During the first ninety days of each session of the Congress, the Joint Committee may conduct hearings in either open or executive session for the purpose of receiving information concerning the development, growth, and state of the atomic energy industry. The Commission shall keep the Joint Committee fully and currently informed with respect to all of the Commission's activities. The Department of Defense shall keep the Joint Committee fully and currently informed with respect to all matters within the Department of Defense relating to the development, utilization, or application of atomic energy. Any Government agency shall furnish any information requested by the Joint Committee with respect to the activities or responsibilities of that agency in the field of atomic energy. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the Joint Committee. The members of the Joint Committee who are Members of the Senate shall from time to time report to the Senate, and the members of the Joint Committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are referred to the Joint Committee or otherwise within the jurisdiction of the Joint Committee. (Aug. 1, 1946, ch. 724, § 202, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 956, and amended Sept. 6, 1961, Pub. L. 87-205, § 17, 75 Stat. 479; Mar. 26, 1964, Pub. L. 83-294, 78 Stat. 172.)

AMENDMENTS

1954—Pub. L. 83-294 substituted "may conduct hearings" for "shall conduct hearings" in the second sentence.

1961—Pub. L. 87-205 substituted "ninety" for "sixty" days in the second sentence.

§ 2253. Chairman and Vice Chairman; vacancies in membership.

Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as in the case of the original selection. The Joint Committee shall select a Chairman and a Vice Chairman from among its members at the beginning of each Congress. The Vice Chairman shall act in the place and stead of the Chairman in the absence of the Chairman. The Chairmanship shall alternate between the Senate and the House of Representatives with each Congress, and the Chairman shall be selected by the Members from that House entitled to the Chairmanship. The Vice Chairman shall be chosen from the House other than that of the Chairman by the Members from that House. (Aug. 1, 1946, ch. 724, § 203, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 956.)

§ 2254. Powers.

In carrying out its duties under this chapter, the Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary: *Provided, however*, That no measure or recommendation shall be reported from the Joint Committee unless a majority of the committee assent. Subpenas may be issued over the signature of the Chairman of the Joint Committee or by any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Joint Committee or any member thereof may administer oaths to witnesses. The Joint Committee may use a committee seal. The provisions of sections 192 to 194 of Title 2, shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section. The expenses of the Joint Committee shall be paid from the contingent fund of the Senate from funds appropriated for the Joint Committee upon vouchers approved by the Chairman. The cost of stenographic service to report public hearings shall not be in excess of the amounts prescribed by law for reporting the hearings of standing committees of the Senate. The cost of stenographic service to report executive hearings shall be fixed at an equitable rate by the Joint Committee. Members of the Joint Committee, and its employees and consultants, while traveling on official business for the Joint Committee, may receive either the per diem allowance authorized to be paid to Members of Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher. (Aug. 1, 1946, ch. 724, § 204, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 957.)

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§ 2255. Staff

The Joint Committee shall employ such clerical, technical, and other personnel as may be necessary and authorized to execute the functions of the Committee. The personnel shall be employed under such conditions as may be authorized by the Committee. The personnel shall be employed under such conditions as may be authorized by the Committee. The personnel shall be employed under such conditions as may be authorized by the Committee.

§ 2256. Class

The Joint Committee shall establish such standards and procedures for classification of information as may be necessary and authorized by the Committee. (Aug. 1, 1954, ch. 1073, § 1, 68 Stat. 957.)

§ 2257. Reco

The Joint Committee shall report to the Senate and the House of Representatives the results of its hearings and investigations. The report shall be in the form of a resolution, and shall be referred to the appropriate committee or committees of the Senate and the House of Representatives. (Aug. 1, 1954, ch. 1073, § 1, 68 Stat. 957.)

SUBCH

Provision were contained in section 15 of act Aug. 1, 1946, ch. 724, 60 Stat. 772 (formerly classified to section 1815 of this title), prior to the complete amendment and renumbering of act Aug. 1, 1946, by act Aug. 30, 1954, ch. 1073, 68 Stat. 921.

§ 2271. Gen

(a) To provide for the payment of the expenses of the personnel of the Joint Committee, the Secretary of the Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (b) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (c) No member of the Joint Committee shall receive any compensation or allowance for services rendered as a member of the Joint Committee, except as may be authorized by the Committee. (d) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (e) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (f) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (g) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (h) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (i) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (j) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (k) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (l) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (m) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (n) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (o) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (p) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (q) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (r) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (s) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (t) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (u) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (v) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (w) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (x) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (y) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee. (z) The Joint Committee may, from time to time, make such expenditures as may be necessary and authorized by the Committee.

§ 2255. Staff and assistance; utilization of Federal departments and agencies; armed protection.

The Joint Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government. The Joint Committee is authorized to permit such of its members, employees, and consultants as it deems necessary in the interest of common defense and security to carry firearms while in the discharge of their official duties for the committee. (Aug. 1, 1946, ch. 724, § 205, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 957.)

§ 2256. Classification of information.

The Joint Committee may classify information originating within the committee in accordance with standards used generally by the executive branch for classifying Restricted Data or defense information. (Aug. 1, 1946, ch. 724, § 206, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 957.)

§ 2257. Records.

The Joint Committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or other places as the Joint Committee may direct under such security safeguards as the Joint Committee shall determine in the interest of the common defense and security. (Aug. 1, 1946, ch. 724, § 207, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 957.)

SUBCHAPTER XVII.—ENFORCEMENT OF CHAPTER

PRIOR PROVISIONS

Provisions similar to those comprising this subchapter were contained in section 16 of act Aug. 1, 1946, ch. 724, 60 Stat. 773 (formerly classified to section 1816 of this title) prior to the complete amendment and renumbering of act Aug. 1, 1946 by act Aug. 30, 1954, ch. 1073, 68 Stat. 921.

§ 2271. General provisions.

(a) To protect against the unlawful dissemination of Restricted Data and to safeguard facilities, equipment, materials, and other property of the Commission, the President shall have authority to utilize the services of any Government agency to the extent he may deem necessary or desirable.

(b) The Federal Bureau of Investigation of the Department of Justice shall investigate all alleged or suspected criminal violations of this chapter.

(c) No action shall be brought against any individual or person for any violation under this chapter unless and until the Attorney General of the United States has advised the Commission with respect to such action and no such action shall be commenced except by the Attorney General of the United States: *Provided, however,* That no action shall be brought under section 2272, 2273, 2274, 2275, or 2276 of this title except by the express direction of the Attorney General: *And provided further,* That nothing in this

subsection shall be construed as applying to administrative action taken by the Commission. (Aug. 1, 1946, ch. 724, § 221 as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 953, and amended Dec. 24, 1969, Pub. L. 91-161, § 5, 83 Stat. 445.)

AMENDMENTS

1969—Subsec. (c). Pub. L. 91-161 provided that nothing in this subsection should be construed to apply to administrative action taken by the Commission.

§ 2272. Violation of specific sections.

Whoever willfully violates, attempts to violate, or conspires to violate, any provision of sections 2077, 2122, or 2131 of this title, or whoever unlawfully interferes, attempts to interfere, or conspires to interfere with any recapture or entry under section 2138 of this title, shall, upon conviction thereof, be punished by a fine of not more than \$10,000 or by imprisonment for not more than ten years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by imprisonment for life, or by imprisonment for any term of years or a fine of not more than \$20,000 or both. (Aug. 1, 1946, ch. 724, § 222, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 958, and amended Dec. 24, 1969, Pub. L. 91-161, §§ 2, 3(a), 83 Stat. 444.)

AMENDMENTS

1969—Pub. L. 91-161 increased the maximum term of imprisonment from five years to ten years for the willful violation, or attempted violation of enumerated sections, and struck out the applicability of the death penalty for violation of the same offenses committed with the intent to injure the United States, or secure an advantage to any foreign nation.

EFFECTIVE DATE OF 1969 AMENDMENT

Section 7 of Pub. L. 91-161 provided that: "The amendments contained in sections 2 and 3 of this Act [amending this section and sections 2274-2276 of this title] shall apply only to offenses under sections 222, 224, 225, and 226 [this section and sections 2272, 2274, 2275, and 2276 of this title] which are committed on or after the date of enactment of this Act [Dec. 24, 1969]. Nothing in section 2 or 3 of this Act shall affect penalties authorized under existing law for offenses under section 222, 224, 225, or 226 of the Atomic Energy Act of 1954, as amended, committed prior to the date of enactment of this Act [Dec. 24, 1969]."

CROSS REFERENCES

Conspiracy to commit offense, see section 371 of Title 18, Crimes and Criminal Procedure.

Federal retirement benefits, forfeiture upon conviction of offense described hereunder, see section 8312 of Title 5, Government Organization and Employees.

Forfeiture of veterans' benefits upon conviction under this section, see section 3505 of Title 38, Veterans' Benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2271 of this title and title 5 section 8312.

§ 2273. Violation of sections generally.

Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this chapter for which no criminal penalty is specifically provided or of any regulation or order prescribed or issued under section 2095 or 2201 (b), (i), or (o) of this title shall, upon conviction thereof, be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both, except that whoever commits such an offense with intent to injure the

Congress and the Atom

By HENRY M. JACKSON

FEW students of government would acknowledge the birth of the atomic age as a landmark in the history of American constitutional law; yet the pattern of relations which has evolved between the Congress and the executive branch in atomic energy is almost as unique as the splitting of the atom itself.

The ordinary government agency functions in a glare of publicity. Through the sheer force of public opinion, the people can themselves often shape official policy. But not so in atomic energy. The world of the atom is covered with a veil of secrecy. And even if secret data were more widely circulated, few laymen could understand their full import unless prepared to spend long and arduous hours in a study of atomic problems and issues. Against this background, five Atomic Energy Commissioners, whose only tangible link with the American people is their appointment by the President and their confirmation by the Senate, have been empowered to make decisions which not only affect our hopes for material advancement, but which may very well determine our national survival.

RESPONSIBILITY OF THE JOINT COMMITTEE ON ATOMIC ENERGY

These were the considerations in the mind of the Congress when, seven years ago, it created the Joint Committee on Atomic Energy to oversee the national atomic energy program on behalf of the Congress and the American people. The McMahon Act of 1946, which established the civilian Atomic Energy Commission, also created the Joint Committee and required it "to make continuing studies of the activities of

the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy." In turn, the Commission was required to keep the Joint Committee "fully and currently informed" concerning its programs.

As long as one speaks in the traditional language of constitutional law—with its black-and-white divisions between co-ordinate and coequal branches of the government—it is difficult to define the Joint Committee's precise role in atomic policy-making. This watchdog group has been accused both of running the atomic energy program, and of acting as a mere captive of the Commission. Neither view is correct. In truth, the Committee and the Commission jointly run the atomic program. Fundamental policy, though normally originating within the Commission, tends to be made with the advice and consent of the congressional committee. And in the case of certain vital policy decisions, the urging from the Joint Committee has played so powerful a role that it can be said the Committee made the decisions, with the advice and consent of the executive branch.

Some may lament this dual responsibility, arguing that it blurs vital divisions of authority between legislators and administrators. Others may insist that, in atomic energy, the power of Congress must be very great, in order to offset the immense authority afforded the executive branch in the McMahon Act. However history may judge this unique Committee-Commission relationship, it cannot be doubted that it now merits the closest possible examination by students of political science.

CONGRESS AND THE ATOM

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The McMahon Act entitles the Committee only to be kept "fully and currently informed" concerning the activities of the Commission. This mere right to know, with no legal authority to direct or supervise, may seem at first glance a frail foundation for Committee authority. Yet in atomic energy, this simple right to know highly classified information in and of itself confers immense powers of moral suasion upon the Committee. Here, in a most literal sense, knowledge is power.

Apart from the highly classified documents which the Atomic Energy Commission regularly transmits, the Joint Committee itself originates many secret papers covering all phases of the atomic program. It keeps in daily and intimate touch with the defense establishment, the State Department, the Central Intelligence Agency, the Federal Bureau of Investigation, and the National Security Council. Every effort is made, through a twenty-four-hour armed guard over the Committee offices and through appropriate use of vaults, safes, soundproofing, electronic devices, exclusion areas, FBI investigations of staff personnel, and the like, to maintain standards of security vigilance at least as high as those maintained within the executive branch.

ROLE OF THE JOINT COMMITTEE

The great fund of secret knowledge entrusted to the Committee has created a number of dilemmas for its membership. From a strictly legal standpoint, the watchdog group is required only to keep itself abreast of atomic developments. Should it therefore play a passive role, accepting the information furnished it and expressing no opinions of its own? Or should it assume an active role? If the latter, should it pass judgment on decisions of the executive branch only after they are made? Or should the Committee take a position

before far-reaching issues are decided? And if the Committee is to regard its mandate in this active sense, where should it draw the line in intervening in the affairs of the executive branch—where does prudent stewardship end and destructive meddling begin?

The question may be asked in specific ways. Should the Committee urge the building of certain plants which it feels that the interests of national security require? The Committee has in fact made such urgings. Should the Committee have access to confidential FBI reports on atomic employees? The Committee in fact has such access—the only group of Congress that does. Should the Committee insist upon seeing the internal staff papers of the Commission and the minutes of the Commission's meetings? The Committee has never so insisted, because the members respect the Commission's need for a certain privacy in its internal functioning. Should the Committee be informed of Commission decisions before they are reached, or only afterward? In actual practice, it knows about the big issues well in advance of any solution, but on lesser matters it is often advised following a decision.

How about the awarding of contracts, the hiring of Commission personnel, and the selection of plant sites? Should the Committee participate in these matters? In practice, it has not participated. It has followed a strictly hands-off policy—and rightly so, I believe.

COMMON-SENSE WISDOM

It may be wondered how the Committee—composed as it is of laymen—can possibly know enough about the technical facts of atomic energy to formulate sensible policy conclusions. The Committee, true, has come to rely upon the advice of its small but highly trained professional staff. Yet I do not believe this goes to the heart of the

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matter. If the Joint Committee members can make rational decisions on high questions of atomic policy—as I believe they do—it is, I think, primarily because laymen may well be better qualified than specialists to play the role of basic policy-makers. After having worked with atomic problems for some years, I am deeply convinced that wise policy—in the sense of basic programmatic decisions—depends far less than most people imagine upon an exquisite technical acquaintance with atomics. A minimum understanding of the specialized lore of atomic energy is of course indispensable. Yet such knowledge can be translated into rational public policy only by decision-makers who can relate it meaningfully to the totality of human and historical experience.

A few examples may help to make my point. Just a few years ago, many technically trained people insisted that the supply of uranium raw materials was rigidly limited, and that such fixity of supply placed a sharp upper limit on the output of atomic weapons. Not a single member of the Joint Committee possesses a mining degree. But even as laymen, they knew that in the case of copper or iron or gold or almost any raw material which can be mined, greater exploration and mining effort pays off in greater production. So, the views of many technicians to the contrary notwithstanding, the members of the watchdog group concluded that our nation could procure uranium in far greater quantities if it was willing to pay the necessary price; and of course this turned out to be so.

Again a few years ago, many military experts insisted that atomic bombs could never be carried by fighter planes against tactical targets; they argued that the bomb simply could not be made small enough or light enough. Once more, no member of the Joint

Committee really understood the intimate details of weapons technology. But as laymen, they could recall a piece of ordnance within human experience which could not be refined or improved or reduced in size. In addition, they sensed that even the experts in the infant science of atomics had no more final knowledge about atomic weapons than the experts had final and complete knowledge of aerodynamics at the time the Wright brothers flew at Kitty Hawk. Many of the Committee members therefore urged—years before the doctrine gained wide acceptance in the Pentagon—that atomic weapons could and should be adapted to tactical uses.

Perhaps this is only another way of saying that the congressional watchdog committee has served as the guardian of the obvious in atomic energy. It has tried to make sure that the simple propositions and the everyday truths are not overlooked in the world of atomics, as they can be so easily in a subject which is synonymous with complexity. Ours is an age, if I may be permitted a philosophical digression, which revels in complicated techniques and subtle philosophies. We peer into the most distant reaches of the universe and try to divine the ultimate meaning of things. But in so doing, we may sometimes overlook what is standing directly in front of our faces. The memorable admonition of Justice Holmes, that the vindication of the obvious is as important as the elucidation of the obscure, has not lost its relevance in this atomic age.

LEADING RATHER THAN RESTRAINING

Not that the history of these first years of the atomic era will ever be entitled "The Joint Committee was always right." Far from it. Although the Committee has consistently led the executive branch in its insistence on an all-out weapons production program, I

regret that it did not press for an expanded effort even earlier and even more vigorously than it did. And the same holds true on the peacetime side of the atom. The Committee's present chairman, to his great credit, is urging that our nation achieve a practical demonstration of useful atomic power as soon as is humanly possible.

This much, at any rate, is clear: This watchdog group simply does not conform to the popular stereotype of a congressional committee. Most people think of legislative committees as veto groups—as bodies overwhelmingly concerned with holding the executive branch in check and preventing capricious acts. This is of course one of the vital jobs of the Joint Committee, and it performs it as best it can. More often than not, however, the Committee finds itself saying to the executive branch not "Do less; do it more cautiously," but "Do more; do it more boldly." And for every time the members ask "Isn't this program too ambitious?" they find themselves asking a dozen times "Isn't this program too cautious?"

This often surprises newcomers to Washington and to the executive branch. Having been reared on the doctrine that the executive branch proposes and the Congress disposes, they appear for the first time as Joint Committee witnesses, expecting to earn their battle stripes through defending their plans against charges of excessive boldness. But, to their surprise, they normally find themselves winning their Purple Hearts while fending off charges of excessive timidity.

PROCEDURE AND LEADERSHIP

The Committee is not very often in the headlines—which, I believe, is all to the good. Its work proceeds informally, with a minimum of fuss and feathers and klieg lights. In conformance with necessary security require-

ments, about three-quarters of the hundreds of meetings the Committee has held have taken place in executive session. The members have heard testimony from virtually every ranking government official, scientist, and military man connected in any way with atomic energy. At least once a year members or staff representatives inspect each field installation of the Commission, of which there are dozens. Trips to such major sites as Hanford, Oak Ridge, Los Alamos, Savannah River, and Paducah occur routinely at much more frequent intervals.

The performance of any congressional committee in large part reflects the quality of its chairman. On this score, the Joint Committee has been singularly fortunate. It is impossible to overestimate the contributions of the late Senator Brien McMahon to the national atomic energy program. He will be long remembered as sponsor of the Atomic Energy Act of 1946, and as a magnificently able chairman of the Joint Committee. Senator Bourke Hickenlooper, the first chairman of the Joint Committee, earned this nation's gratitude for his largely singlehanded—and successful—fight to save the atomic energy appropriations during the waning hours of the Eighty-second Congress. Congressman Carl Durham took the initiative in pressing for hearings on atomic power. The Committee's present chairman, Congressman Sterling Cole, has already won the respect and admiration of his colleagues on both sides of the aisle. In the Joint Committee, this aisle has become of less and less significance; the Committee has a firm, long, and growing tradition of bipartisanship.

APPROPRIATIONS PROCEDURE

When the McMahon Act was under consideration, Congress tended to believe that both international control and

industrial power from the atom might soon become realities. It therefore seemed sensible to furnish sweeping authorization for the appropriating of funds, since such authorization, besides smoothing the path of the civilian Commission in its first year or two in office, might shortly give way to different provisions. But what may have made sense in 1946 does not necessarily make sense today.

The Joint Committee, even now, is not empowered to report out authorizing or enabling bills—to the great detriment, I think, of the atomic program. If the Department of Defense wishes to construct a radar network or a new air base, four steps are necessary to secure congressional approval. The relevant legislative committees—that is, the Armed Services Committees of the House and the Senate—must report out an enabling or authorizing bill, which the Congress must pass. The Appropriations Committee must then report out a bill providing funds for the project in question, and the Congress must also pass this.

The wisdom of such a procedure has been demonstrated again and again. The relevant legislative committees which first evaluate a new construction program of the executive branch are uniquely equipped, through their specialized knowledge and experience, to decide whether it is desirable. If these committees place their seal of approval on the project through a favorable authorizing bill, the Appropriations Committee are subsequently assisted in considering the project from the point of view of how much money should be voted on its behalf, and how such sums will fit into the nation's over-all budget. The legislative committees, in these cases, serve as programmatic experts in their respective fields, and the Appropriations Committees serve as general fiscal experts.

The logic of such a procedure would seem especially compelling in atomic energy. Here, it is simply impossible to estimate the desirability of Commission-sponsored construction programs unless one has great familiarity with the atomic project—a familiarity which can be acquired only through day-by-day contact with the program. Although they are men of great judgment, ability, and experience, the members of the Appropriations Committees have immense demands on their time, and they have not acquired specialized competence in matters atomic. For the most part, their acquaintance with the program is transient and casual.

The ensuing difficulties can be illustrated by a hypothetical case. Suppose the Commission plans a reactor development program which may ultimately cost hundreds of millions of dollars. Suppose the Joint Committee, after holding detailed hearings, believes that the program is undesirable. Suppose it believes that construction of the proposed reactors is premature at this time. Let us even suppose that the Committee becomes convinced, on the basis of expert scientific testimony, that building the reactors would represent an extravagant waste of resources, or that the possibility of a radiation accident might endanger the lives of people living near the reactor sites. In any such cases the Commission would remain legally free (so broad is its present authorization) to proceed as it saw fit, provided it secured funds from the Appropriations Committees.

The resultant danger of ill-advised action is less acute in the Senate than in the House. Senate rules permit three members of the Joint Committee to sit as ex officio members of the Senate Appropriations Committee when the atomic budget is being considered. The regular members of the Appropriations Committee have come to heed the counsel of

their ex officio colleagues, and the Senate has exhibited great responsibility and rare discrimination in its handling of atomic energy appropriations.

Efforts to institute a similar arrangement on the House side have so far proved unavailing. Fearing encroachments upon its prerogatives, the House Appropriations Committee has denied requests for ex officio participation in its deliberations by Joint Committee members when the atomic budget is being studied. The House approach to appropriations in the atomic field has accordingly suffered, and on several occasions dangerous cuts have been restored only when the appropriations bills of the two Houses have been reconciled in conference.

Last year, for instance, the House Appropriations Committee—with the laudable objective of encouraging economy, but with mistaken notions of how to bring it about—reported out an atomic energy appropriations bill whose restrictive riders would have seriously delayed completion of the vast plant expansion program which had just been launched by the executive branch. The Senate—thanks in good part to the missionary work of its Joint Committee members—resisted the House-endorsed bill. After a dramatic all-night debate which delayed the adjournment of the Congress, the Senate view prevailed and the atomic expansion program was permitted to go forward unimpaired.

Henry M. Jackson, Washington, D. C., is United States Senator from the state of Washington, and served as a Member of Congress in the Seventy-seventh through the Eighty-second Congress. He was a House Member of the Joint Committee on Atomic Energy. He also served on the House Appropriations Committee, and was United States delegate to the International Maritime Conference in Seattle in 1946.

"THE ATOMIC EQUATION"

It would be both impractical and unnecessary to desire that every legislator acquire in atomic energy the kind of competence possessed by Joint Committee members. The whole point of the committee system of operation, after all, is to provide for specialists in public policy—for experts whose knowledge of some particular field transcends that of their congressional colleagues. So it should occasion no alarm if not all legislators are qualified to decide whether the Commission should build plant X or plant Y, or whether it should concentrate on developing this or that model of atomic weapon.

What can and must be asked, however, is that every last member of the Congress understand the meaning of "the atomic equation"—the terrible portent of the growing stockpiles of atomic weapons now being amassed on both sides of the Iron Curtain. What can and must be asked is that every member of the Congress recognize the imperative necessity of maintaining and increasing our atomic lead over the Soviets. What can and must be asked, finally, is that the entire Congress recognize that the atom has two sides—that the same materials which can destroy society in the form of atomic weapons can immeasurably enrich our lives if harnessed in the form of perceptive applications of atomic energy.

P.L. 69-20, 44 Stat. 127 (1926)

Joint Committee on TaxationJOINT CONGRESSIONAL COMMITTEE ON INTERNAL-REVENUE
TAXATIONJoint Committee on
Internal Revenue Tax-
ation.

SEC. 1203. (a) There is hereby established a joint congressional committee to be known as the Joint Committee on Internal Revenue Taxation (hereinafter in this section referred to as the "Joint Committee"), and to be composed of ten members as follows:

Established, of ten
members.

(1) Five members who are members of the Committee on Finance of the Senate, three from the majority and two from the minority party, to be chosen by such Committee; and

Five from Senate
Finance Committee.

(2) Five members who are members of the Committee on Ways and Means of the House of Representatives, three from the majority and two from the minority party, to be chosen by such Committee.

Five from House
Ways and Means Com-
mittee.

(b) No person shall continue to serve as a member of the Joint Committee after he has ceased to be a member of the Committee by which he was chosen, except that the members chosen by the Committee on Ways and Means who have been re-elected to the House of Representatives may continue to serve as members of the Joint Committee notwithstanding the expiration of the Congress. A vacancy in the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as the original selection, except that (1) in case of a vacancy during an adjournment or recess of Congress for a period of more than two weeks, the members of the Joint Committee who are members of the Committee entitled to fill such vacancy may designate a member of such Committee to serve until his successor is chosen by such Committee, and (2) in the case of a vacancy after the expiration of a Congress which would be filled by the Committee on Ways and Means, the members of such Committee who are continuing to serve as members of the Joint Committee may designate a person who, immediately prior to such expiration, was a member of such Committee and who is re-elected to the House of Representatives, to serve until his successor is chosen by such Committee.

Service restrictions,
etc.

Filling vacancies.

(c) It shall be the duty of the Joint Committee—

Investigations au-
thorized.

(1) To investigate the operation and effects of the Federal system of internal-revenue taxes;

(2) To investigate the administration of such taxes by the Bureau of Internal Revenue or any executive department, establishment, or agency, charged with their administration;

(3) To make such other investigations in respect of such system of taxes as the Joint Committee may deem necessary;

(4) To investigate measures and methods for the simplification of such taxes, particularly the income tax;

(5) To publish, from time to time, for public examination and analysis, proposed measures and methods for the simplification of

Publish proposed
methods for simpli-
fying taxes.

REVENUE ACT OF 1923.

Definite report by
December 31, 1927.

Report of results
from time to time.

Authority given to
obtain data, inspect
returns, etc.

Organization, per-
sonnel, etc.

Hearings, etc.

Attendance of wit-
nesses, etc.

Allowance only for
expenses of travel, sub-
sistence, etc.

Expenses from con-
tingent fund of both
Houses.

such taxes, and to make to the Senate and the House of Representatives, not later than December 31, 1927, a definite report thereon, together with such recommendations as it may deem advisable; and

(5) To report, from time to time, to the Committee on Finance and the Committee on Ways and Means and, in its discretion, to the Senate or the House of Representatives, or both, the results of its investigations, together with such recommendations as it may deem advisable.

(d) The Joint Committee shall have the same right to obtain data and to inspect returns as the Committee on Ways and Means or the Committee on Finance, and to submit any relevant or useful information thus obtained to the Senate, the House of Representatives, the Committee on Ways and Means, or the Committee on Finance. The Committee on Ways and Means or the Committee on Finance may submit such information to the House or to the Senate, or to both the House and the Senate, as the case may be.

(e) The Joint Committee shall meet and organize as soon as practicable after at least a majority of the members have been chosen, and shall elect a chairman and vice chairman from among its members and shall have power to appoint and fix the compensation of a clerk and such experts and clerical, stenographic, and other assistants, as it deems advisable.

(f) The Joint Committee, or any subcommittee thereof, is authorized to hold hearings and to sit and act at such places and times, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to have such printing and binding done, and to make such expenditures, as it deems advisable. The cost of stenographic services in reporting such hearings shall not be in excess of 25 cents per hundred words. Subpoenas for witnesses shall be issued under the signature of the chairman or vice chairman.

(g) The members shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Joint Committee, other than expenses in connection with meetings of the Joint Committee held in the District of Columbia during such times as the Congress is in session.

(h) The expenses of the Joint Committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman or vice chairman.

JOINT ECONOMIC COMMITTEE

SEC. 5. (a) There is established a Joint Economic Committee, to be composed of ten Members of the Senate, to be appointed by the President of the Senate, and ten Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. In each case, the majority party shall be represented by six members and the minority party shall be represented by four members.

HISTORICAL NOTES

1956 Amendment.—Section 5(a) of such Act and the heading thereof are each amended by striking out "Joint Committee on the Economic Report" and inserting in lieu thereof "Joint Economic Committee"; and any other statute in which the name "Joint Committee on the Economic Report" appears is amended to conform to the foregoing change in the name of the Joint Committee. (60 Stat. 25; U.S.C. 1024) Public Law 84-591, June 18, 1956.

1967 Amendment.—Section 5(a) amended by Public Law 90-2, January 25, 1967, cited to text. The original Act provided that "The party representation on the joint committee shall as nearly as may be feasible reflect the relative membership of the majority and minority parties in the Senate and House of Representatives," and be composed of seven Members of the Senate and seven Members of the House of Representatives. This was changed to eight Members of the Senate and eight Members of the House of Representatives with the majority party being represented by 5 members and the minority party by 3 members, in Public Law 86-1, February 17, 1959.

(b) It shall be the function of the joint committee—

(1) to make a continuing study of matters relating to the Economic Report;

(2) to study means of coordinating programs in order to further the policy of this Act; and

(3) as a guide to the several committees of the Congress dealing with legislation relating to the Economic Report, not later than March 1, of each year (beginning with the year 1947) to file a report with the Senate and the House of Representatives containing its findings and recommendations with respect to each of the main recommendations made by the President in the Economic Report, and from time to time to make such other reports and recommendations to the Senate and House of Representatives as it deems advisable.

HISTORICAL NOTE

In the original act, before amendments, this read: "May 1." This was changed to "February 1" in the Legislative Reorganization Act of 1946, and subsequently to "March 1" in Public Law 80-405, February 2, 1948.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

(d) The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings as it deems advisable, and, within the limitations of its appropriations, the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants, to procure such printing and binding, and to make such expenditures, as it deems necessary and advisable. [The cost of stenographic services to report hearings of the joint committee, or any subcommittee thereof, shall not exceed 25 cents per hundred words.] The joint committee

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is authorized to utilize the services, information and facilities of the departments and establishments of the Government, and also of private research agencies.

HISTORICAL NOTE

Amended by Public Law 84-624, June 27, 1956, as follows: "Compensation for stenographic assistance of committees paid out of the foregoing items under 'Contingent expenses of the Senates' hereafter shall be computed at such rates and in accordance with such regulations as may be prescribed by the Committee on Rules and Administration, notwithstanding, and without regard to any other provision of law." (70 Stat. 360.)

(e) To enable the joint committee to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated for each fiscal year such sums as may be necessary, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman.

HISTORICAL NOTES

1964 Amendment.—Section 5(e) amended by Public Law 88-661, October 13, 1964, cited to text. In the original Act, before amendments, the appropriation authorization was \$50,000. This was changed to \$125,000 in Public Law 81-830, October 6, 1949.

Subsection (i) is no longer in effect, having expired upon the completion of the investigation authorized by Senate Concurrent Resolution 26 of the 81st Congress.

JOINT RESOLUTION OF JUNE 23, 1949

The Joint Economic Committee is authorized to issue a monthly publication entitled "Economic Indicators," and a sufficient quantity shall be printed to furnish one copy to each Member of Congress; the Secretary and the Sergeant at Arms of the Senate; the Clerk, Sergeant at Arms, and Doorkeeper of the House of Representatives; two copies to the libraries of the Senate and House, and the Congressional Library; seven hundred copies to the Joint Economic Committee; and the required number of copies to the Superintendent of Documents for distribution to depository libraries; and the Superintendent of Documents is authorized to have copies printed for sale to the public. (15 U.S.C. 1025.)

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concerned in accordance with the requirements of section 304 of this order;

(5) A determination whether each person appointed pursuant to subsection 101 (a) of the said Executive Order No. 10182, as amended [revoked by section 305 of this order], has filed a statement in accordance with the requirements of section 304 of this order; and

(6) An inspection of individual department and agency files to determine whether the certifications and the statements required by subsections 301 (a) and (b), respectively, of this order have been made.

(b) A report of each such survey shall be made by the Chairman of the Civil Service Commission to the President and to the Joint Committee on Defense Production and shall include the following:

(1) A statistical report showing the number of appointments made pursuant to the authority in section 101(a) of this order by each department or agency for the twelve-month period covered, the total number of appointees under that authority serving in advisory or consultative positions, and the number of such appointees who are serving in other than consultative or advisory positions;

(2) A list of the names of all appointees for whom the statements required by section 302 of this order have not been filed, and a list of the names of all appointees for whom the certification required by subsection 301 (a) of this order has not been made; and

(3) Such comments or recommendations as the Chairman of the United States Civil Service Commission may deem proper.

SEC. 306. Executive Order No. 10182 of November 21, 1950, and Executive Order No. 10305 of January 16, 1951 [set out as a note under this section], are hereby revoked.

DWIGHT D. EISENHOWER

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2159, 2161 to 2163, 2164 to 2168, 2182, 2183 of this Appendix; title 22 section 2386.

§ 2161. Appropriations authorized; availability of funds.

There are authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] by the President and such agencies as he may designate or create. Funds made available for the purposes of this Act [said sections] may be allocated or transferred for any of the purposes of this Act [said sections], with the approval of the Bureau of the Budget, to any agency designated to assist in carrying out this Act [said sections]. Funds so allocated or transferred shall remain available for such period as may be specified in the Acts making such funds available. (Sept. 8, 1950, ch. 932, title VII, § 711, 64 Stat. 820.)

CHANGE OF NAME

The Bureau of the Budget was designated the Office of Management and Budget and the offices of Director of the Bureau of the Budget, Deputy Director of the Bureau of the Budget, and Assistant Directors of the Bureau of the Budget were designated Director of the Office of Management and Budget, Deputy Director of the Office of Management and Budget, and Assistant Directors of the Office of Management and Budget, respectively, by Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. —, set out in the Appendix to Title 5, Government Organization and Employees, which also transferred all records, property, personnel, and funds of the Bureau to the Office of Management and Budget.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2160, 2162, 2163, 2164 to 2155, 2182, 2183 of this Appendix.

§ 2162. Joint Committee on Defense Production.

(a) There is established a joint congressional committee to be known as the Joint Committee on Defense Production (hereinafter referred to as the committee), to be composed of ten members as follows:

(1) Five members who are members of the Committee on Banking and Currency of the Senate, three from the majority and two from the minority party, to be appointed by the chairman of the committee; and

(2) Five members who are members of the Committee on Banking and Currency of the House of Representatives, three from the majority and two from the minority party, to be appointed by the chairman of the committee.

A vacancy in the membership of the committee shall be filled in the same manner as the original selection. The committee shall elect a chairman and a vice chairman from among its members, one of whom shall be a member of the Senate and the other a member of the House of Representatives.

(b) It shall be the function of the Committee to make a continuous study of the programs and of the fairness to consumers of the prices authorized by this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] and to review the progress achieved in the execution and administration thereof. Upon request, the committee shall aid the standing committees of the Congress having legislative jurisdiction over any part of the programs authorized by this Act [said sections]; and it shall make a report to the Senate and the House of Representatives, from time to time, concerning the results of its studies, together with such recommendations as it may deem desirable. Any department, official, or agency administering any of such programs shall, at the request of the committee, consult with the committee, from time to time, with respect to their activities under this Act [said sections].

(c) The committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, to require by subpoena (to be issued under the signature of the chairman or vice chairman of the committee) or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 40 cents per hundred words. The provisions of sections 102 to 104, inclusive, of the Revised Statutes [sections 192 to 194 of Title 2] shall apply in case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this subsection.

(d) The committee is authorized to appoint and, without regard to the Classification Act of 1949, as

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amended, fix the compensation of such experts, consultants, technicians, and organizations thereof, and clerical and stenographic assistants as it deems necessary and advisable.

(c) The expenses of the committee under this section, which shall not exceed \$100,000 in any fiscal year, shall be paid from the contingent fund of the House of Representatives upon vouchers signed by the Chairman or Vice Chairman.

(f) The Secretary of Commerce shall make a special investigation and study of the production, allocation, distribution, use of nickel, of its resale as scrap, and of other aspects of the current situation with respect to supply and marketing of nickel, with particular attention to, among other things, the adequacy of the present system of nickel allocation between defense and civilian users. The Secretary of Commerce shall consult with the Joint Committee on Defense Production during the course of such investigation and study with respect to the progress achieved and the results of the investigation and study, and shall make an interim report on the results of the investigation and study on or before August 15, 1956, and shall, on or before December 31, 1956, make a final report on the results of such investigation and study, together with such recommendations as the Secretary of Commerce deems advisable. Such reports shall be made to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House of Representatives if the House is not in session). (Sept. 8, 1950, ch. 932, title VII, § 712, 64 Stat. 820; June 30, 1952, ch. 530, title I, § 119; 66 Stat. 306; Aug. 9, 1955, ch. 655, § 9, 69 Stat. 583; June 29, 1956, ch. 474, §§ 3, 5, 70 Stat. 408; June 30, 1956, Pub. L. 89-432, § 2, 80 Stat. 235; July 1, 1963, Pub. L. 90-370, § 2, 82 Stat. 279.)

REFERENCES IN TEXT

The Classification Act of 1949, as amended, referred to in subsec. (d), is now covered by chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

AMENDMENTS

1963—Subsec. (e). Pub. L. 90-370 substituted "\$100,000" for "\$85,000".

1965—Subsec. (e). Pub. L. 89-432 substituted \$65,000 for \$65,000 as the upper limit for committee expenses in any fiscal year payable from the contingent fund of the House of Representatives upon vouchers signed by the chairman or vice chairman.

1956—Subsec. (e). Act June 29, 1956, § 5, required payment of expenses from the contingent fund of the House of Representatives instead of one-half from the contingent fund of the Senate and one-half from the contingent fund of the House, and eliminated provisions which prescribed the manner of making disbursements to pay such expenses.

Subsec. (f). Act June 29, 1956, § 3 added subsec. (f).

1955—Subsec. (c). Act Aug. 9, 1955, § 9(1), increased the cost of stenographic services to not more than 40 cents per hundred words.

Subsec. (e). Act Aug. 9, 1955, § 9(2), increased the expenses of the committee from \$50,000 to \$65,000 in any fiscal year.

1952—Subsec. (b). Act June 30, 1952 inserted in first sentence "and of fairness to consumers of the prices."

EFFECTIVE DATE OF 1956 AMENDMENT

Section 5 of act June 29, 1956, which amended subsec. (e) of this section, provided in part that the amendment of subsec. (e) shall be effective July 1, 1956.

EFFECTIVE DATE OF 1953 AMENDMENT

Amendment of this section by act Aug. 9, 1955, effective as of the close of July 31, 1955, see section 11 of act Aug. 9, 1955, set out as a note under section 2092 of this Appendix.

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2161, 2163, 2164 to 2168, 2182, 2183 of this Appendix.

§ 2163. Territorial application of Act.

The provisions of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] shall be applicable to the United States, its Territories and possessions, and the District of Columbia. (Sept. 8, 1950, ch. 932, title VII, § 713, 64 Stat. 821.)

TERMINATION DATE

Termination of these sections on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2162, 2164 to 2166, 2182, 2183 of this Appendix.

§ 2163a. Small Defense Plants Administration.

CODIFICATION

Section, act Sept. 8, 1950, ch. 932, title VII, § 714, as added July 31, 1951, ch. 275, title I, § 110(a) 65 Stat. 139, and amended June 30, 1952, ch. 530, title I, § 121(a) 66 Stat. 303; June 30, 1953, ch. 171, § 10, 67 Stat. 131, created the Small Defense Plants Administration, and related generally to encouragement and aid to small-business concerns with respect to defense production. It terminated on July 31, 1953 by the terms of section 2165(a) of this Appendix. Present provisions relating to aid to small business are contained in chapter 14A of Title 15, Commerce and Trade.

TRANSFER OF FUNCTIONS

Functions under former section 2163a of this Appendix as transferred to Small Business Administrator, see Ex. Ord. No. 10504, Dec. 1, 1953, 18 F.R. 7667, set out as a note under section 641 of Title 15, Commerce and Trade.

Ex. Ord. No. 10323, Feb 5, 1952, 17 F.R. 1145, transferred from the Department of Commerce to the Small Defense Plants Administration certain functions relating to aid.

REVOLVING FUND CONTINUATION

H. J. Res. July 16, 1953, ch. 294, § 1, 67 Stat. 176 provided in part that "The revolving fund established under said Administration shall remain available through July 31, 1953, for payment of obligations and direct costs under contracts entered into during the fiscal year 1953."

§ 2164. Separability of provisions.

If any provision of this Act [sections 2061, 2062, 2071 to 2073, 2091 to 2094, 2151 to 2163 and 2164 to 2168 of this Appendix] or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act [said sections], and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. (Sept. 8, 1950, ch. 932, title VII, § 715, formerly § 714, 64 Stat. 821; renumbered July 31, 1951, ch. 275, title I, § 110(b), 65 Stat. 144.)

TERMINATION DATE

Termination of this section on June 30, 1972, see section 2166(a) of this Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2061, 2072, 2093, 2151 to 2163, 2165, 2185, 2182, 2183 of this Appendix.

[FROM THE LEGISLATIVE REORGANIZATION ACT OF 1970
(84 STAT. 1187)]

TITLE IV—CONGRESS AS AN INSTITUTION

* * *

PART 1—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

ESTABLISHMENT OF JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

SEC. 401. (a) There is hereby created a Joint Committee on Congressional Operations (hereafter in this Part referred to as the "Joint Committee").

(b) The Joint Committee shall be composed of ten members as follows:

(1) five Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and two from the minority party; and

(2) five Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and two from the minority party.

(c) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original appointment.

(d) The Joint Committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Joint Committee from among their num-

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ber and the chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the Joint Committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

DUTIES OF JOINT COMMITTEE

SEC. 402. (a) The Joint Committee shall—

(1) make a continuing study of the organization and operation with a view toward strengthening Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States; and

(2) identify any court proceeding or action which, in the opinion of the Joint Committee, is of vital interest to the Congress, or to either House of the Congress, as a constitutionally established institution of the Federal Government and call such proceeding or action to the attention of that House of the Congress which is specifically concerned or to both Houses of the Congress if both Houses are concerned.

(b) The Joint Committee shall exercise all functions vested in it by section 406 of this Part.

(c) The Joint Committee shall report, from time to time, to the Senate and the House of Representatives their recommendations with respect to matters within the jurisdiction of the Joint Committee.

(d) Nothing in this Part shall be construed to authorize the Joint Committee to make any recommendations with respect to the rules, parliamentary procedure, practices, or precedents of either House or the consideration of any matter on the floor of either House.

POWERS OF JOINT COMMITTEE

SEC. 403. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the ses-

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sions, recesses, and adjourned periods of Congress, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Joint Committee unless a majority of the Joint Committee assent. Subpenas may be issued over the signature of the chairman of the Joint Committee or of any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths or affirmations to witnesses.

STAFF OF JOINT COMMITTEE

SEC. 404. (a) In carrying out its functions under subsections (a) and (c) of section 402 of this Part, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation and solely on the basis of fitness to perform their duties, not more than six professional staff members and not more than six clerical staff members;

(2) to prescribe their duties and responsibilities;

(3) to fix their pay at respective per annum gross rates not in excess of the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code; and

(4) to terminate their employment as the Joint Committee may deem appropriate.

(b) In carrying out any of its functions under this Part, the Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government, and to procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract at

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LEGISLATIVE REORGANIZATION ACTS OF 1946 AND 1970

§§ 995, 996.

rates of pay not in excess of the per diem equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332 of title 5, United States Code, including payment of such rates for necessary traveltime.

RECORDS OF JOINT COMMITTEE

SEC. 405. The Joint Committee shall keep a complete record of all Joint Committee actions, including a record of the votes on any question on which a record vote is demanded. All records, data, charts, and files of the Joint Committee shall be the property of the Joint Committee and shall be kept in the office of the Joint Committee or such other places as the Joint Committee may direct.

OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

SEC. 406. (a) There is hereby established for the Congress an Office of Placement and Office Management which shall be subject to the supervision and control of the Joint Committee. The Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform his duties, a Director of the Office of Placement and Office Management to serve as the head of the staff of the Office and such personnel as the Joint Committee deems necessary;

(2) to prescribe their duties and responsibilities;

(3) to fix their pay at respective per annum gross rates not in excess of the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code; and

(4) to terminate their employment, as the Joint Committee may deem appropriate.

(b) It shall be the duty of the Office, upon request, to assist Members, committees, and officers of the Senate and House of Representatives seeking competent personnel with specified qualifications and to furnish advice and information with respect to office management procedures.

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LEGISLATIVE REORGANIZATION ACTS OF 1946 AND 1970

§ 997.

(c) Nothing in this section shall be held or considered to require the use of the facilities of the Office by any Member, committee, or officer of the Senate or House of Representatives, if, in the opinion of such Member, committee, or officer, the use of such facilities is inappropriate.

EXPENSES

SEC. 407. The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers approved by the chairman.

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84th Congress

S.Con.Res. 2 (Mansfield)

A bill to establish a Joint Committee on Central Intelligence. Defeated in Senate April 11, 1956, by a vote of 27-59.

Membership:

6 Representatives, appointed by the Speaker of the House
6 Senators, appointed by the President of the Senate
(Of the 6 members to be appointed from the Senate, 3 were to be members of the Central Intelligence Agency Subcommittee of the Committee on Appropriations, and 3 from the Central Intelligence Agency Subcommittee of the Committee on Armed Services. The 6 House members were to be appointed from the corresponding subcommittees in the House.)

Party Ratio:

In each instance, not more than four members shall be of the same political party. (= 8 majority/4 minority)

Duties:

To maintain full cognizance and supervision over matters relating to the Central Intelligence Agency.

Authority:

To advise, inquire, and report.

Individual Views of Mr. Hayden from Committee Report:

1. If a Joint Committee is set up to supervise the work of this executive agency, a joint committee should be set up to oversee each of the executive agencies, such as the Departments of Interior, Agriculture and Commerce.
2. The CIA should be allowed to do its job, without being "watchdogged to death."
3. The CIA is already subject to Congressional review by four established and fully authorized subcommittees.
4. Any Congressional action which seeks to alter the legally established relationship between the CIA and National Security Council would tend to impinge on the constitutional authority of the President in the conduct of foreign affairs.

S. Con. Res. 2 - Joint Committee on Central Intelligence

Arguments raised on floor of Senate in opposition to the resolution

MR. SALTONSTALL: "If the work of the Members of Congress who serve on these subcommittees is not well done, the members of those subcommittees should be blamed. Let that be done, instead of creating a new agency to duplicate or take over the work which now is being done by 2 regular, legalized committees of the Senate and 2 regular, legalized committees of the House of Representatives."

MR. SALTONSTALL: "The Senator from Montana has referred to the establishment of the Joint Committee on Atomic Energy as a precedent.... Let me point out that there is an essential difference between the work of the Atomic Energy Commission and the work of the CIA. The Atomic Energy Commission is a manufacturing commission. . . . The work of the Atomic Energy Commission is constantly changing. The Commission makes annual reports. "On the other hand, the CIA has made very few requests for legislation. ... The CIA does not often have changes made by means of legislation in its fundamental structure."

MR. RUSSELL: "But, Mr. President, we go very far afield when we undertake to predicate a resolution of this nature on the right of individual members of the Congress to know all the details of all the agencies of Government that are working in secrecy in an effort to secure information...."

MR. RUSSELL: "...I must say that early in my service I became disillusioned on finding that information classified as secret which was given in committees in executive session, within a couple of days had trickled to the press of the nation. That has been my one disillusionment."

MR. KNOWLAND: "...I know that the President of the United States and others in the executive branch of the Government have very grave misgivings regarding the pending concurrent resolution, not only for the reason that the lives of Americans who may be seeking to obtain information which we need for the very defense of our country may be involved, but also because we have cooperative arrangements with other agencies and perhaps with friendly countries, and the slightest leakage of information regarding perhaps just one field of activity might result in the disclosure of all the agents who had been operating there, and might mean their death by hanging or execution in the matter of a few days' time."

MR. BARKLEY: "It would authorize the joint committee to summon all the papers and documents of the Central Intelligence Agency, and to obtain from that Agency all the information the joint committee desired to obtain, which information, of course, would then be public."

MR. RUSSELL: "If we adopt this kind of policy and establish a new joint committee, we are going to dry up sources of information. Men will not be willing to endanger their lives, and there will be a disruption of the very fine cooperative relations existing between our Agency and the similar agencies of other countries, notably the British Intelligence Agency...."

MR. HAYDEN: "The Central Intelligence Agency is an arm of the President. Under the Constitution, I feel we have no right to attempt to regulate an agency which is designed solely to provide the President, who, under the Constitution, is responsible for our foreign relations, with information to enable him to make decisions."

MR. CASE: "I have concluded to vote against the concurrent resolution because in the broad authority to create a large staff, and in the provision for the borrowing of consultants, experts, technicians, and clerical and stenographic assistance from various agencies of the Government, I think I sense possibilities that some very highly classified information might become too widely diffused." (Note: Mr. Case was a cosponsor of the resolution.)

Provisions of proposed joint committees on intelligence

Note: This summarizes a compilation prepared by the Library of Congress on 18 representative proposals, introduced since World War II, to create a joint committee on intelligence.

Mode of creation:

Bill	39%
Joint resolution	17%
Concurrent resolution	44%

Selection of members:

All at large	72%
All from committees	17%
Hybrid	11%

Number of members:

0-9	0
10-15	67%
16-20	33%
21+	0

Selected by:

Committees	0
Presiding officers	100%

Selection of chairman:

By committee	61%
By one delegation	39%

Division between parties:

Equality	11%
Muted partisan-	
ship	78%
2:1 majority	11%

Authority to report legislation:

Authority	72%
No authority	28%

Jurisdiction:

Foreign and	
domestic	17%
Foreign only	72%
Domestic only	6%
CIA only	6%

Authority to issue subpoenas:

Authority	100%
No authority	0

Hearings before the Subcommittee on Intergovernmental Relations
Senate Government Operations Committee
"Legislative Proposals to Strengthen Congressional Oversight of
the Nation's Intelligence Agencies"
December, 1974

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Senator MUSKIE. For myself, I do not have any question about the need for a committee to modify and improve oversight. But there are some questions about the style or the format and the authority of such a committee that I would like to spell out in more detail with you.

Senator BROCK. Yesterday, I asked my colleague, Howard Baker, whether or not he thought there was a distinction to be made between protecting the constitutional rights of American citizens on the one hand and protecting our national security in nondomestic operations on the other, and whether or not the joining of the two endeavors in one committee might pose an intolerable conflict upon the members comprising that committee.

He suggested that he thought it might be difficult but it could be worked out.

I wonder if you would like to comment on that.

Senator WEICKER. Yes. I think that I would go along with Howard's evaluation. It is difficult but it can be worked out, and I do not think you should separate the two. As Crossman points out in his article and as we also know here relative to our experience at home, these intelligence capabilities were developed abroad and in foreign matters, if you will, and then used at home. So I think the two do go hand in hand.

I would really fear if you tried to divide the two, because then I do not think the committee would have a complete knowledge of this general area of activity. As I have indicated to you, as we all know, these matters clearly are just by their nature in direct contrast to the concepts of a democracy. And yet there is nobody in this room who says we should not have a law enforcement-intelligence capability. But the only thing that is incredible to me is that we give to those activities less safeguards than we do to the more normal activities that are naturally compatible with a democracy.

Senator BROCK. Going to even more specificity, with regard to, I think, the bill that you introduced it calls for a 14-member joint committee.

Senator WEICKER. Right.

Senator BROCK. The first problem that is posed by a new committee is the obvious conflict between it and existing oversight efforts through the Armed Services and Judiciary Committees.

Senator WEICKER. Right.

Senator Brock. The first problem that is posed by a new committee is the obvious conflict between it and existing oversight efforts through the Armed Services and Judiciary Committees.

Senator Weicker. Right.

Senator Brock. And I wonder how you see the continuation of Armed Services and Judiciary responsibility. Do you see a conflict? Do you see a need to fold the two together? Or should we continue separate but equal or separate but superior? How do you approach the coordination of the, in effect, three committees in each body?

Senator Weicker. Well, I know, if nobody else does, that the very point that you raise is going to be the main blocker to the passage of this kind of legislation. It has been in the past. Nobody like to give up anything around here. And clearly the oversight function does rest in a variety of hands. Armed Services, Judiciary, principally in Foreign Relations. And yet, certainly the record speaks for itself and as I indicated, I do not think this is an intentional shirking of duty at all. Good Lord, just take a look at the chairmen of those various committees and the dedication they bring to their jobs. It is just the fact that I am afraid we have relegated this vast area to a small corner of our minds. That is where the mistake is being made. It is a subject unto itself. And as you know, in the bill, we do not try to take anything away from anybody. I would say that was a political concession, if you will, political in the broadest sense, not Republican or Democrat, but to our inner workings in the Congress of the United States.

I think that we have tried to take that into account but at the same time recognizing this is a full-time job for one committee and it is not a secondary duty or an ancillary duty for some other committee. And I think when you mention Stennis, mention Ervin, mention Fulbright, you realize certainly here are men who are dedicated to democracy as evinced by their actions over the years to an unparalleled extent. They just do not have the time. The committees do not have the time or personnel and it is something that should require a constant appraisal.

I have one last point, Senator Brock. It was not written in the legislation because it was felt it would be awkward, but I want to make a record on one point here.

I think that a committee of oversight should have a rotating membership, again, because of the fact that this area needs such additional safeguards. Otherwise, they stay there long enough on the joint congressional committee of oversight and they become the handmaidens of the agencies they are supposed to supervise. I would hope as a matter of the legislative record, even though you cannot write it in the law, that that membership should rotate and nobody would be sitting there as a spokesman for any of these agencies but rather would be asking the hard questions.

Senator Brock. That relates to the followup question I want to ask, and that is as to the possibility of us in writing this legislation, folding in the existing oversight committees, into the joint committee operation. In other words, saying—perhaps we could say that the ranking member and the chairman of the Armed Services Committee shall be, regardless of whomever they are, and that obviously will turn on occasion, shall be members of the Joint Committee on Intelligence Oversight.

Senator Weicker. I think it is a good idea. I will agree to that.

be to get this thing under one committee, although representatives of existing oversight committees should not necessarily dominate the joint committee.

Senator Brock. That is exactly what I am reaching.

Senator Weicker. I agree.

Senator Brock. Exactly. I have a great concern that too many oversight committees is no oversight at all.

Senator Weicker. I agree.

Senator Brock. That bothers me about the particular thrust of this, or the lack of any definition to the bill. As you know, I am principally concerned with achieving the desired objective and I do not want it muddled by conflicting jurisdictions or anything else. To the extent we can resolve that here we are going to be much better off.

One final question and it goes back to some comments you made in your initial remarks and this is a difficult point. But, should this oversight committee have sufficient jurisdiction or authority so as to afford it an approval right prior to any covert operation overseas, or is it really in fact an oversight committee which will be limited to the protection of constitutional freedoms domestically and constitutional principles abroad?

Senator Weicker. I think the latter. I do not think you can have a congressional committee approving every single thing the agency does ahead of time. As long as the hard questions are being asked and the decisions that have been made go under a microscope I am perfectly satisfied and I am willing to risk that year's gap, if you will, that would take place because I think from an administrative point of view, from a practical point of view it would be impossible to obtain committee approval for every activity that goes on.

Senator Brock. Again, I thank you for your leadership in this area and I appreciate your testimony.

Senator Weicker. Thank you, Senator Brock.

Senator Muskie. Thank you very much, Senator Weicker.

Senator Weicker. Thank you.

Senator Muskie. I am delighted we had this opportunity to follow-through on my commitment to you.

Senator Weicker. Thank you.

Senator Muskie. Our next witness is Dr. Harry Howe Ransom, professor of political science at Vanderbilt University. I am delighted that Dr. Ransom is available to us this morning. I am most grateful to you, sir, for accommodating yourself to our scheduling difficulties.

Senator Brock. Mr. Chairman, before Mr. Ransom proceeds, may I express my regret in having to go to another meeting. I have your testimony and I wish I could be here during its entirety, but I had hoped we would have you yesterday and that was our fault, not yours. We do appreciate your accommodating the Committee and we appreciate your coming very much. If you will pardon me, I have to leave.

STATEMENT OF PROF. HARRY HOWE RANSOM, PROFESSOR OF POLITICAL SCIENCE, VANDERBILT UNIVERSITY

Mr. RANSOM. Thank you, Senator Muskie and Senator Brock, for the invitation to speak before this Committee.

New York Times
3 October 1975

Intelligence Inquiry...

The agreement between the White House and the House Select Committee on Intelligence barring unilateral release of classified information indicates that the nation's vital intelligence operations can be protected while Congress effectively investigates abuses, violations of the law and the efficiency of intelligence procedures.

Some damage to the country's image abroad and even to national security interests may be inevitable as the Senate and House investigations proceed; but that is a price that evidently must be paid at this time if the nation's multiple intelligence organizations—and the high Administration officials who have supervised them—are to be thoroughly examined with an eye to improvement of practices and procedures in the future.

Few responsible citizens would challenge the need for an American intelligence service, the best in fact that can be shaped. The Congress now has an opportunity to take part in the restructuring of the American intelligence community and, even more important, of its own future role in providing oversight. What is needed is a single joint committee of both houses of Congress which can exercise the kind of power and discretion that the Joint Committee on Atomic Energy has exercised during most of its thirty years of existence.

Recent legislation unfortunately requires six separate committees of Congress—and about fifty Congressmen and, probably, twice that number of aides—to be informed of every covert activity that the C.I.A. undertakes. There is no rational need for this procedure or for revelations to be made about the details of intelligence organizations or methods—including identification of sources and agents—that could enable possible adversaries to outwit them.

rs Delayed; Oversight Panel Asked

10/9/75

Church Asks Permanent Committee to Oversee 'Strategic' Agencies

by Walter Pincus

Washington Post Staff Writer

Chairman Frank Church (D-Idaho) of the Senate Intelligence committee wants future oversight of the "strategic intelligence agencies" to be handled by a permanent joint congressional committee.

Emphasizing he was speaking only for himself, Church said that the Central Intelligence Agency, the National Security Agency and the Defense Intelligence Agency should be included within the scope of the new committee.

Church added, however, that the DIA would be included "if it is retained." There is some feeling in his committee, Church said, that DIA "seems to be redundant."

Church said he believes a new joint intelligence committee should be "relatively small" with from 12 to 20 members split evenly between the House and the Senate.

Church and Rep. Otis Pike (D-NY), chairman of the House Intelligence committee, have talked about what structure should be created on Capitol Hill after current investigations have concluded.

Church said Tuesday that the two had "generally agreed on what's needed."

However, Pike, confirming that he and Church had "similar ideas," said he was not going to preempt his committee by stating any of his conclusions. Last Friday, Pike sent a

letter to all of his committee's members and heads of intelligence agencies asking them for legislative suggestions to meet the problems exposed by the current inquiries.

Church believes a new committee should have a rotating membership to "fight co-optation" by the executive branch. Church's proposal would be that members serve a six-year term and that one-third of the members would

leave the committee each congressional session.

Three seats on the proposed joint committee would be held by members from three committees that now have jurisdiction over intelligence — Armed Services, Foreign Relations and Appropriations — to avoid jurisdictional fighting and prevent intelligence agencies from having to report to more than one committee. The CIA and other intelligence agencies

would by law be required to keep the joint committee fully informed on all their activities, including covert operations.

To avoid another proposed joint committee would not have responsibility for such domestic agencies as the FBI, Secret Service and Internal Revenue Service.

Church's committee has a staff task force looking into oversight both on congressional and executive

levels. Hearings on the subject are expected toward the end of the year.

A Governmental Operations subcommittee has announced hearings in December on a new congressional intelligence oversight committee and some senators hope that a resolution settling up such a group would be passed by the end of February, when the Church committee goes out of business.

Chairman and Ranking Minority Member of Relevant Committees and Subcommittees

Armed Services Committee:

Mel Price

Bob Wilson (Ca.)

Intelligence Subcommittee:

Lucien Nedzi

Bob Wilson (Ca.)

International Relations Committee:

Thomas Morgan

William Broomfield

International Operations Subcommittee:

Wayne Hays

John Buchanan

Government Operations Committee:

Jack Brooks

Frank Horton

Legislation and National Security Subcommittee:

Jack Brooks

Frank Horton

Government Information and Individual Rights:

Bella Abzug

Sam Steiger

Judiciary Committee:

Peter Rodino, Jr.

Edward Hutchinson

Civil Rights and Constitutional Rights Subcommittee:

Don Edwards

M. Caldwell Butler

Courts, Civil Liberties & Administration of Justice Subcommittee:

Robert Kastenmeier

Thomas Railsback

ALTERNATIVE #1

NOTE: Membership numbers for purposes of discussion only

Membership

10 Representatives from Armed Services
10 Senators from Armed Services

Appointment

Appointed by House and Senate Armed Services Committees.

Party Representation

In each delegation, 6 shall be from the majority and 4 from the minority party.

Selection of Chairman

Joint Committee selects Chairman and Vice Chairman from among its members, with the Chairmanship alternating between the House and Senate. The Vice Chairman shall be from the House oppose to the House of which the Chairman is a member.

Reporting

Reports to Armed Services Committees in House and Senate.

Authority

Investigative authority only.

ALTERNATIVE #2

Membership

10 Representatives (5 from Committee on International Relations
5 from Committee on Armed Services)
10 Senators (5 from Committee on Foreign Relations
5 from Committee on Armed Services)

Appointment

Appointed by the standing committee of which the Representative or Senator is a member.

Party Representation

From each standing committee delegation, 3 shall be from the majority party and 2 shall be from the minority party. (total = 12 majority/8 minority)

Selection of Chairman

Same as in Alternative #1

Reporting

Reports to Armed Services and Foreign/International Relations in both House and Senate, and in its discretion, to the Senate or House or both.

Authority

Investigative authority only.

ALTERNATIVE #3

Membership

10 Representatives
10 Senators

Appointment

Appointed by Speaker of House and President of Senate

Party Representation

1/2 plus one of delegation from each House to be from majority party (= 6 majority, 4 minority in each delegation; 12 majority/8 minority overall)

Chairman

Same as in Alternative #1

Reporting

House members report to House; Senate members report to Senate.

Authority

Full legislative authority for intelligence community. For purposes of discussion, this may include the following agencies: CIA, DIA, NSA, BNR, FBI, Army, Navy & Air Force intelligence activities, Treasury, ERDA, National Security Council, USIB, PFIAB.

ALTERNATIVE #4

Membership

10 Representatives (of which 4 shall be from the majority and minority of each of Armed Services & International Relations; 6 shall be "at large")

10 Senators (same as above)

Appointment

Appointed by Speaker of House and President of Senate

Party Representation

Of the 6 "at large" members, four shall be from the majority party and two shall be from the minority party. (= 12 majority/8 minority)

Chairman

Same as in Alternative #1, except that Chairman must be selected from "at large" membership of the committee.

Reporting

House members report to House; Senate members report to Senate.

Authority

Full legislative authority.